

**Representative Joel Ferry** proposes the following substitute bill:

**NATURAL RESOURCES REVISIONS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Joel Ferry**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the management, regulation, conservation, and use of natural resources.

**Highlighted Provisions:**

This bill:

- ▶ changes the name of the Division of Recreation to the Division of Outdoor Recreation;
- ▶ merges the Office of Outdoor Recreation into the Division of Outdoor Recreation, including addressing:
  - powers and duties;
  - administration of grants; and
  - a transition;
- ▶ addresses reporting requirements, including reporting by the Office of Energy Development and reporting by the Division of Outdoor Recreation;
- ▶ modifies provisions related to off-highway vehicles, including use of certain money;
- ▶ amends authority to appoint off-highway vehicle and boating advisory councils;
- ▶ addresses the Zion National Park Support Programs Restricted Account;
- ▶ modifies the Division of Outdoor Recreation's authority to create recreational trails



26 and outdoor recreation advisory bodies;

27       ▶ creates the Utah Outdoor Recreation Infrastructure Advisory Committee to replace

28 other advisory committees and requires consultation with the Division of Outdoor

29 Recreation;

30       ▶ addresses criteria related to certain recreational grants;

31       ▶ addresses the Bonneville Shoreline Trail Program;

32       ▶ modifies the makeup of the Outdoor Adventure Commission and changes

33 consultation requirements;

34       ▶ modifies the makeup of the Resource Development Coordinating Committee;

35       ▶ addresses the relationship with the Division of Wildlife Resources and the Wildlife

36 Board;

37       ▶ repeals the Utah Outdoor Recreation Grant Advisory Committee;

38       ▶ establishes policy related to conservation;

39       ▶ addresses coordination of state conservation efforts, including authorizing

40 agreements;

41       ▶ repeals the Quality Growth Commission and replaces the commission with the Land

42 Conservation Board, including moving the board within the Department of

43 Agriculture and Food, addressing the board's powers and duties, and moving

44 definitions related to housing;

45       ▶ modifies the LeRay McAllister Critical Land Conservation Program, including

46 addressing county action in some circumstances;

47       ▶ creates the Division of Conservation within the Department of Agriculture and

48 Food;

49       ▶ provides for coordination of conservation efforts;

50       ▶ addresses rulemaking authority, including requiring rulemaking related to

51 off-highway vehicles, clarifying rulemaking by the Division of Outdoor Recreation,

52 and rulemaking related to grants;

53       ▶ modifies sunset and repeal dates;

54       ▶ modifies definition provisions;

55       ▶ provides for transition; and

56       ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2023:

▶ to the Department of Natural Resources -- Conservation, as an ongoing

appropriation:

- from General Fund, \$130,000;

▶ to the Department of Natural Resources -- Outdoor Recreation, as an ongoing

appropriation:

- from General Fund, \$150,000;

▶ to the Department of Agriculture and Food -- Conservation, as an ongoing

appropriation:

- from General Fund, \$120,000;

▶ to the Governor's Office of Economic Opportunity, as an ongoing appropriation:

- from General Fund, (\$338,700); and

▶ to the Department of Natural Resources -- Outdoor Recreation, as an ongoing

appropriation:

- from General Fund, \$338,700.

**Other Special Clauses:**

This bill provides a special effective date.

This bill provides revisor instructions.

**Utah Code Sections Affected:**

AMENDS:

**4-2-103**, as last amended by Laws of Utah 2018, Chapter 200

**4-18-102**, as last amended by Laws of Utah 2021, Chapter 178

**4-18-105**, as last amended by Laws of Utah 2019, Chapter 178

**9-9-112**, as enacted by Laws of Utah 2021, Chapter 380 and last amended by

Coordination Clause, Laws of Utah 2021, Chapter 280

**23-14-14.2**, as enacted by Laws of Utah 2007, Chapter 189

**35A-8-2105**, as renumbered and amended by Laws of Utah 2018, Chapter 182

**41-1a-418**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

**41-1a-422**, as last amended by Laws of Utah 2021, Chapters 219, 280, and 378

**41-6a-1509**, as last amended by Laws of Utah 2021, Chapter 280

88        **41-22-2**, as last amended by Laws of Utah 2021, Chapter 280  
89        **41-22-5.1**, as last amended by Laws of Utah 2021, Chapter 280  
90        **41-22-5.5**, as last amended by Laws of Utah 2021, Chapter 280  
91        **41-22-8**, as last amended by Laws of Utah 2021, Chapter 280  
92        **41-22-10**, as last amended by Laws of Utah 2021, Chapter 280  
93        **41-22-10.7**, as last amended by Laws of Utah 2021, Chapter 280  
94        **41-22-19**, as last amended by Laws of Utah 2012, Chapter 71  
95        **41-22-31**, as last amended by Laws of Utah 2021, Chapter 280  
96        **41-22-33**, as last amended by Laws of Utah 2021, Chapter 280  
97        **41-22-35**, as last amended by Laws of Utah 2021, Chapter 280  
98        **53-2a-1102**, as last amended by Laws of Utah 2021, Chapter 395  
99        **57-14-204**, as last amended by Laws of Utah 2021, Chapter 280  
100       **59-13-201**, as last amended by Laws of Utah 2021, Chapter 280  
101       **59-21-2**, as last amended by Laws of Utah 2021, Chapter 280  
102       **59-28-103**, as last amended by Laws of Utah 2021, Chapter 280  
103       **63C-21-201**, as last amended by Laws of Utah 2021, Chapter 280  
104       **63C-21-202**, as last amended by Laws of Utah 2021, Chapter 280  
105       **63I-1-241**, as last amended by Laws of Utah 2020, Chapters 84 and 154  
106       **63I-1-263**, as last amended by Laws of Utah 2021, Chapters 70, 72, 84, 90, 171, 196,  
107 260, 280, 282, 345, 382, 401, 421 and last amended by Coordination Clause, Laws  
108 of Utah 2021, Chapter 382  
109       **63I-1-273**, as last amended by Laws of Utah 2021, Chapter 229  
110       **63I-1-279**, as last amended by Laws of Utah 2021, Chapter 280  
111       **63I-2-204**, as last amended by Laws of Utah 2018, Chapter 51  
112       **63I-2-279**, as enacted by Laws of Utah 2021, Chapter 280  
113       **63J-1-601**, as last amended by Laws of Utah 2021, Chapter 280  
114       **63J-1-602.2**, as last amended by Laws of Utah 2021, Chapters 179, 344, 412, 421, and  
115 424  
116       **63L-7-104**, as last amended by Laws of Utah 2021, Chapter 280  
117       **63L-11-402**, as last amended by Laws of Utah 2021, Chapters 184, 280 and  
118 renumbered and amended by Laws of Utah 2021, Chapter 382 and last amended by

119 Coordination Clause, Laws of Utah 2021, Chapter 382  
120 **63N-3-602**, as enacted by Laws of Utah 2021, Chapter 411  
121 **65A-3-1**, as last amended by Laws of Utah 2021, Chapter 280  
122 **65A-10-2**, as last amended by Laws of Utah 2021, Chapter 280  
123 **72-11-204**, as last amended by Laws of Utah 2021, Chapter 280  
124 **73-3-31**, as last amended by Laws of Utah 2021, Chapter 280  
125 **73-18-2**, as last amended by Laws of Utah 2021, Chapter 280  
126 **73-18-3.5**, as last amended by Laws of Utah 2021, Chapter 280  
127 **73-18-4**, as last amended by Laws of Utah 2021, Chapter 280  
128 **73-18-7**, as last amended by Laws of Utah 2021, Chapters 135 and 280  
129 **73-18-8**, as last amended by Laws of Utah 2021, Chapter 280  
130 **73-18-11**, as last amended by Laws of Utah 2021, Chapter 280  
131 **73-18-13**, as last amended by Laws of Utah 2021, Chapter 280  
132 **73-18-13.5**, as last amended by Laws of Utah 2021, Chapter 280  
133 **73-18-15**, as last amended by Laws of Utah 2021, Chapter 280  
134 **73-18-16**, as last amended by Laws of Utah 2021, Chapter 280  
135 **73-18a-1**, as last amended by Laws of Utah 2021, Chapter 280  
136 **73-18a-4**, as last amended by Laws of Utah 2021, Chapter 280  
137 **73-18a-5**, as last amended by Laws of Utah 2021, Chapter 280  
138 **73-18a-12**, as last amended by Laws of Utah 2021, Chapter 280  
139 **73-18b-1**, as last amended by Laws of Utah 2021, Chapter 280  
140 **73-18c-102**, as last amended by Laws of Utah 2021, Chapter 280  
141 **73-18c-201**, as last amended by Laws of Utah 2021, Chapter 280  
142 **77-2-4.3**, as last amended by Laws of Utah 2021, Chapter 280  
143 **78A-5-110**, as last amended by Laws of Utah 2021, Chapter 280  
144 **78A-7-120**, as last amended by Laws of Utah 2021, Chapter 280  
145 **79-2-201**, as last amended by Laws of Utah 2021, Chapters 280 and 382  
146 **79-2-202**, as last amended by Laws of Utah 2020, Chapter 352  
147 **79-2-206**, as enacted by Laws of Utah 2021, Chapter 280 and further amended by  
148 Revisor Instructions, Laws of Utah 2021, Chapter 280  
149 **79-4-203**, as last amended by Laws of Utah 2021, Chapter 280

150 79-4-1103, as last amended by Laws of Utah 2021, Chapter 282  
151 79-5-102, as last amended by Laws of Utah 2021, Chapter 280  
152 79-5-501, as last amended by Laws of Utah 2021, Chapter 280  
153 79-5-503, as last amended by Laws of Utah 2011, Chapter 342  
154 79-6-302, as renumbered and amended by Laws of Utah 2021, Chapter 280  
155 79-6-505, as renumbered and amended by Laws of Utah 2021, Chapter 280  
156 79-6-605, as renumbered and amended by Laws of Utah 2021, Chapter 280  
157 79-7-102, as enacted by Laws of Utah 2021, Chapter 280  
158 79-7-201, as enacted by Laws of Utah 2021, Chapter 280  
159 79-7-203, as enacted by Laws of Utah 2021, Chapter 280  
160 79-8-102, as enacted by Laws of Utah 2021, Chapter 280  
161 79-8-103, as enacted by Laws of Utah 2021, Chapter 280  
162 79-8-106, as renumbered and amended by Laws of Utah 2021, Chapter 280  
163 79-8-201, as renumbered and amended by Laws of Utah 2021, Chapter 280  
164 79-8-202, as renumbered and amended by Laws of Utah 2021, Chapter 280  
165 79-8-302, as renumbered and amended by Laws of Utah 2021, Chapter 280  
166 79-8-303, as last amended by Laws of Utah 2021, Chapter 282 and renumbered and  
167 amended by Laws of Utah 2021, Chapter 280 and last amended by Coordination  
168 Clause, Laws of Utah 2021, Chapter 280  
169 79-8-304, as renumbered and amended by Laws of Utah 2021, Chapter 280

## 170 ENACTS:

171 4-46-101, Utah Code Annotated 1953  
172 4-46-103, Utah Code Annotated 1953  
173 4-46-104, Utah Code Annotated 1953  
174 4-46-201, Utah Code Annotated 1953  
175 4-46-401, Utah Code Annotated 1953  
176 4-46-402, Utah Code Annotated 1953  
177 4-46-403, Utah Code Annotated 1953  
178 79-1-104, Utah Code Annotated 1953  
179 79-7-206, Utah Code Annotated 1953

## 180 RENUMBERS AND AMENDS:

181           **4-46-102**, (Renumbered from 11-38-102, as last amended by Laws of Utah 2021,  
182 Chapters 181 and 344)  
183           **4-46-202**, (Renumbered from 11-38-202, as last amended by Laws of Utah 2021,  
184 Chapter 181)  
185           **4-46-301**, (Renumbered from 11-38-301, as last amended by Laws of Utah 2009,  
186 Chapter 368)  
187           **4-46-302**, (Renumbered from 11-38-302, as last amended by Laws of Utah 2021,  
188 Chapter 181)  
189           **4-46-303**, (Renumbered from 11-38-304, as last amended by Laws of Utah 2017,  
190 Chapter 51)  
191           **79-7-103**, (Renumbered from 63N-9-103, as renumbered and amended by Laws of Utah  
192 2015, Chapter 283)  
193           **79-7-303**, (Renumbered from 79-4-404, as renumbered and amended by Laws of Utah  
194 2009, Chapter 344)  
195           **79-8-401**, (Renumbered from 63N-9-202, as last amended by Laws of Utah 2021,  
196 Chapter 280)  
197           **79-8-402**, (Renumbered from 63N-9-203, as last amended by Laws of Utah 2021,  
198 Chapter 282)  
199 REPEALS:  
200           **11-38-101**, as enacted by Laws of Utah 1999, Chapter 24  
201           **11-38-201**, as last amended by Laws of Utah 2021, Chapter 382  
202           **11-38-203**, as last amended by Laws of Utah 2021, Chapter 382  
203           **63N-9-101**, as renumbered and amended by Laws of Utah 2015, Chapter 283  
204           **63N-9-102**, as last amended by Laws of Utah 2021, Chapter 280  
205           **63N-9-104**, as last amended by Laws of Utah 2021, Chapters 282 and 382  
206           **63N-9-105**, as last amended by Laws of Utah 2016, Chapter 88  
207           **63N-9-106**, as last amended by Laws of Utah 2021, Chapters 280 and 282  
208           **63N-9-201**, as enacted by Laws of Utah 2016, Chapter 88  
209           **79-5-201**, as last amended by Laws of Utah 2021, Chapter 280  
210           **79-5-202**, as last amended by Laws of Utah 2010, Chapters 256 and 286  
211           **79-7-101**, as enacted by Laws of Utah 2021, Chapter 280

212 **79-8-104**, as enacted by Laws of Utah 2021, Chapter 280

213 **79-8-105**, as renumbered and amended by Laws of Utah 2021, Chapter 280

214 **Utah Code Sections Affected by Revisor Instructions:**

215 **4-46-104**, Utah Code Annotated 1953

216 **79-2-206**, as enacted by Laws of Utah 2021, Chapter 280 and further amended by  
217 Revisor Instructions, Laws of Utah 2021, Chapter 280

218

219 *Be it enacted by the Legislature of the state of Utah:*

220 Section 1. Section **4-2-103** is amended to read:

221 **4-2-103. Functions, powers, and duties of department -- Fees for services --**

222 **Marketing orders -- Procedure -- Purchasing and auditing.**

223 (1) The department shall:

224 (a) inquire into and promote the interests and products of agriculture and allied  
225 industries;

226 (b) promote methods for increasing the production and facilitating the distribution of  
227 the agricultural products of the state;

228 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases  
229 among livestock and the means for their prevention and cure; and

230 (ii) initiate, implement, and administer plans and programs to prevent the spread of  
231 diseases among livestock;

232 (d) encourage experiments designed to determine the best means and methods for the  
233 control of diseases among domestic and wild animals;

234 (e) issue marketing orders for any designated agricultural product to:

235 (i) promote orderly market conditions for any product;

236 (ii) give the producer a fair return on the producer's investment at the marketplace; and

237 (iii) only promote and not restrict or restrain the marketing of Utah agricultural  
238 commodities;

239 (f) administer and enforce all laws assigned to the department by the Legislature;

240 (g) establish standards and grades for agricultural products and fix and collect

241 reasonable fees for services performed by the department in conjunction with the grading of

242 agricultural products;



(h) establish operational standards for any establishment that manufactures, processes, produces, distributes, stores, sells, or offers for sale any agricultural product;

(i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules necessary for the effective administration of the agricultural laws of the state;

(j) when necessary, make investigations, subpoena witnesses and records, conduct hearings, issue orders, and make recommendations concerning [aH] matters related to agriculture;

(k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any private or public place that may become infested or infected with harmful insects, plant diseases, noxious or poisonous weeds, or other agricultural pests;

(ii) establish and enforce quarantines;

(iii) issue and enforce orders and rules for the control and eradication of pests, wherever they may exist within the state; and

(iv) perform other duties relating to plants and plant products considered advisable and not contrary to law;

(l) inspect apiaries for diseases inimical to bees and beekeeping;

(m) take charge of any agricultural exhibit within the state, if considered necessary by the department, and award premiums at that exhibit;

(n) [assist] provide for the coordination of state conservation efforts, including by:

(i) assisting the Conservation Commission in the administration of [Title 4,] Chapter 18, Conservation Commission Act[, and administer and disburse any funds];

(ii) implementing Chapter 46, Conservation Coordination Act, including entering into agreements with other state agencies; and

(iii) administering and disbursing money available to assist conservation districts in the state in the conservation of the state's soil and water resources;

(o) participate in the United States Department of Agriculture certified agricultural mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

(p) promote and support the multiple use of public lands;

(q) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

- (i) under this title;
- (ii) by the department; or
- (iii) by an ~~[agency or division]~~ entity within the department; and
- (r) perform any additional functions, powers, and duties provided by law.

(2) The department, by following the procedures and requirements of Section 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.

(3) (a) ~~[No]~~ A marketing order issued under Subsection (1)(e) ~~[shall]~~ may not take effect until:

(i) the department gives notice of the proposed order to the producers and handlers of the affected product;

(ii) the commissioner conducts a hearing on the proposed order; and

(iii) at least 50% of the registered producers and handlers of the affected products vote in favor of the proposed order.

(b) (i) The department may establish boards of control to administer marketing orders and the proceeds derived from any order.

(ii) A board of control shall:

(A) ensure that ~~[all]~~ proceeds are placed in an account in the board of control's name in a depository institution; and

(B) ensure that the account is annually audited by an accountant approved by the commissioner.

(4) ~~[Funds]~~ Money collected by grain grading, as provided by Subsection (1)(g), shall be deposited into the General Fund as dedicated credits for the grain grading program.

(5) In fulfilling ~~[its]~~ the department's duties in this chapter, the department may:

(a) purchase, as authorized or required by law, services that the department is responsible to provide for legally eligible persons;

(b) take necessary steps, including legal action, to recover money or the monetary value of services provided to a recipient who is not eligible;

(c) examine and audit the expenditures of any public funds provided to a local authority, agency, or organization that contracts with or receives funds from those authorities or agencies; and

(d) accept and administer grants from the federal government and from other sources,

public or private.

Section 2. Section **4-18-102** is amended to read:

**4-18-102. Findings and declarations -- Duties.**

(1) [The] In addition to the policy provided in Section 4-46-101, the Legislature finds and declares that:

(a) the soil and water resources of this state constitute one of the state's basic assets;

and

(b) the preservation of soil and water resources requires planning and programs to ensure:

(i) the development and ~~[utilization]~~ use of soil and water resources; and

(ii) soil and water resources' protection from the adverse effects of wind and water erosion, sediment, and sediment related pollutants.

(2) The Legislature finds that local production of food is essential for:

(a) the security of the state's food supply; and

(b) the self-sufficiency of the state's citizens.

(3) The Legislature finds that sustainable agriculture is critical to:

(a) the success of rural communities;

(b) the historical culture of the state;

(c) maintaining healthy farmland;

(d) maintaining high water quality;

(e) maintaining abundant wildlife;

(f) high-quality recreation for citizens of the state; and

(g) helping to stabilize the state economy.

(4) The Legislature finds that livestock grazing on public lands is important for the proper management, maintenance, and health of public lands in the state.

(5) The Legislature encourages each agricultural producer in the state to operate in a reasonable and responsible manner to maintain the integrity of soil, water, and air.

(6) The department shall administer the Utah Agriculture Certificate of Environmental Stewardship Program, created in Section 4-18-107, to encourage each agricultural producer in this state to operate in a reasonable and responsible manner to maintain the integrity of the state's resources.

(7) The Legislature finds that soil health is essential to protecting the state's soil and water resources, bolstering the state's food supply, and sustaining the state's agricultural industry.

Section 3. Section **4-18-105** is amended to read:

**4-18-105. Conservation Commission -- Functions and duties.**

(1) The commission shall:

(a) facilitate the development and implementation of the strategies and programs necessary to:

(i) protect, conserve, use, and develop the soil, water, and air resources of the state; and  
(ii) promote the protection, integrity, and restoration of land for agricultural and other beneficial purposes;

(b) disseminate information regarding districts' activities and programs;

(c) supervise the formation, reorganization, or dissolution of districts according to the requirements of Title 17D, Chapter 3, Conservation District Act;

(d) prescribe uniform accounting and recordkeeping procedures for districts and require each district to submit annually the information required in Section **17D-3-103**;

(e) approve and make loans for agricultural purposes, through the loan advisory ~~[subcommittee]~~ board described in Section **4-18-106**, from the Agriculture Resource Development Fund;

(f) seek to obtain and administer federal or state money in accordance with applicable federal or state guidelines and make loans or grants from that money to an eligible entity, as defined by the department by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the preservation of soil, water, and air resources, or for a reason set forth in Section **4-18-108**;

(g) seek to coordinate soil and water protection, conservation, and development activities and programs of state agencies, local governmental units, other states, special interest groups, and federal agencies; ~~[and]~~

(h) when assigned by the governor, when required by contract with the Department of Environmental Quality, or when required by contract with the United States Environmental Protection Agency:

(i) develop programs for the prevention, control, or abatement of new or existing

pollution to the soil, water, or air of the state;

(ii) advise, consult, and cooperate with affected parties to further the purpose of this chapter;

(iii) conduct studies, investigations, research, and demonstrations relating to agricultural pollution issues;

(iv) give reasonable consideration in the exercise of its powers and duties to the economic impact on sustainable agriculture;

(v) meet the requirements of federal law related to water and air pollution in the exercise of the commission's powers and duties; and

(vi) establish administrative penalties relating to agricultural discharges as defined in Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm[-]; and

(i) coordinate with the Division of Conservation created in Section 4-46-401.

(2) The commission may:

(a) employ, with the approval of the department, an administrator and necessary technical experts and employees;

(b) execute contracts or other instruments necessary to exercise the commission's powers;

(c) take necessary action to promote and enforce the purpose and findings of Section 4-18-102;

(d) sue and be sued; and

(e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and Subsections (2)(b) and (c).

Section 4. Section 4-46-101 is enacted to read:

## **CHAPTER 46. CONSERVATION COORDINATION ACT**

### **Part 1. General Provisions**

#### **4-46-101. Policy.**

It is the policy of this state that land conservation should be promoted to protect the state's agricultural industry and natural resources.

Section 5. Section 4-46-102, which is renumbered from Section 11-38-102 is

renumbered and amended to read:

~~[11-38-102].~~ 4-46-102. Definitions.

As used in this chapter:

~~[(1) "Affordable housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the applicable municipal or county statistical area for households of the same size.]~~

~~[(2)]~~ (1) "Agricultural land" has the same meaning as "land in agricultural use" under Section 59-2-502.

~~[(3) "Brownfield sites" means abandoned, idled, or underused commercial or industrial land where expansion or redevelopment is complicated by real or perceived environmental contamination.]~~

~~[(4)]~~ (2) ["Commission" means the Quality Growth Commission] "Board" means the Land Conservation Board established in Section ~~[11-38-201]~~ 4-46-201.

~~[(5) "Infill development" means residential, commercial, or industrial development on unused or underused land, excluding open land and agricultural land, within existing, otherwise developed urban areas.]~~

(3) "Conservation commission" means the Conservation Commission created in Section 4-18-104.

(4) "Conservation district" means a limited purpose local government entity created under Title 17D, Chapter 3, Conservation District Act.

(5) "County land use authority" means a land use authority, as defined in Section 17-27a-103, of a county.

(6) "Director" means the director of the Division of Conservation.

(7) "Division" means the Division of Conservation created in Section 4-46-401.

~~[(6)]~~ (8) "Local entity" means a county, city, or town.

~~[(7)]~~ (9) (a) "Open land" means land that is:

(i) preserved in or restored to a predominantly natural, open, and undeveloped condition; and

(ii) used for:

(A) wildlife habitat;

(B) cultural or recreational use;

(C) watershed protection; or

(D) another use consistent with the preservation of the land in or restoration of the land to a predominantly natural, open, and undeveloped condition.

(b) (i) "Open land" does not include land whose predominant use is as a developed facility for active recreational activities, including baseball, tennis, soccer, golf, or other sporting or similar activity.

(ii) The condition of land does not change from a natural, open, and undeveloped condition because of the development or presence on the land of facilities, including trails, waterways, and grassy areas, that:

(A) enhance the natural, scenic, or aesthetic qualities of the land; or

(B) facilitate the public's access to or use of the land for the enjoyment of [its] the land's natural, scenic, or aesthetic qualities and for compatible recreational activities.

~~[(8)]~~ (10) "Program" means the LeRay McAllister Critical Land Conservation Program established in Section ~~[11-38-301]~~ [4-46-301](#).

~~[(9) "Surplus land" means real property owned by the Department of Government Operations, the Department of Agriculture and Food, the Department of Natural Resources, or the Department of Transportation that the individual department determines not to be necessary for carrying out the mission of the department.]~~

(11) (a) "State conservation efforts" includes:

(i) efforts to optimize and preserve the uses of land for the benefit of the state's agricultural industry and natural resources; and

(ii) conservation of working landscapes that if conserved, preserves the state's agricultural industry and natural resources, such as working agricultural land.

(b) "State conservation efforts" does not include the purpose of opening private property to public access without the consent of the owner of the private property.

~~[(10)]~~ (12) (a) "Working agricultural land" means agricultural land for which an owner or producer engages in the activity of producing for commercial purposes crops, orchards, livestock, poultry, aquaculture, livestock products, or poultry products and the facilities, equipment, and property used to facilitate the activity.

(b) "Working agricultural land" includes an agricultural protection area established under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials

Protection Areas.

Section 6. Section **4-46-103** is enacted to read:

**4-46-103. Application of chapter to wildlife issues.**

This chapter may not be construed or applied to supersede or interfere with the powers and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23, Wildlife Resources Code of Utah, over:

- (1) conservation and management of protected wildlife within the state;
- (2) a program or initiative to restore and conserve habitat for fish and wildlife; or
- (3) acquisition, ownership, management, and control of real property or a real property interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

Section 7. Section **4-46-104** is enacted to read:

**4-46-104. Transition.**

(1) A grant that is entered into or issued by the Quality Growth Commission on or before July 1, 2022, remains in effect, except that:

- (a) the agency administering the grant shall be transferred to the board in the same manner as the statutory responsibility is transferred under this bill; and
- (b) the grant is subject to the terms of the grant and may be terminated under the terms of the grant.

(2) In accordance with this bill, the department assumes the policymaking functions, regulatory, and enforcement powers, rights, and duties of the Quality Growth Commission existing on June 30, 2022.

Section 8. Section **4-46-201** is enacted to read:

**Part 2. Land Conservation Board**

**4-46-201. Land Conservation Board.**

(1) There is created a Land Conservation Board consisting of:

- (a) the director of the Division of Conservation or the director's designee;
- (b) the commissioner of the Department of Agriculture and Food or the commissioner's designee;
- (c) the executive director of the Governor's Office of Planning and Budget, or the executive director's designee;
- (d) four elected officials at the local government level, two of whom may not be



491 residents of a county of the first or second class; and

492 (e) seven persons from the profit and nonprofit private sector:

493 (i) two of whom may not be residents of a county of the first or second class;

494 (ii) no more than three of whom may be from the same political party;

495 (iii) one of whom shall be from the residential construction industry, nominated by an  
496 association representing Utah home builders;

497 (iv) one of whom shall be from the real estate industry, nominated by an association  
498 representing Utah realtors;

499 (v) one representative of an association representing farmers, selected from a list of  
500 nominees submitted by at least one association representing farmers;

501 (vi) one representative of an association representing cattlemen, selected from a list of  
502 nominees submitted by at least one association representing cattlemen;

503 (vii) one representative of an association representing wool growers, selected from a  
504 list of nominees submitted by at least one association representing wool growers;

505 (viii) one representative of land trusts; and

506 (ix) one representative of an association representing conservation districts created  
507 under Title 17D, Chapter 3, Conservation District Act, selected from a list of nominees  
508 submitted by at least one association representing conservation districts.

509 (2) (a) The governor shall appoint a board member under Subsection (1)(d) or (e) with  
510 the advice and consent of the Senate.

511 (b) The governor shall select:

512 (i) two of the four members under Subsection (1)(d) from a list of names provided by  
513 the Utah League of Cities and Towns; and

514 (ii) two of the four members under Subsection (1)(d) from a list of names provided by  
515 the Utah Association of Counties.

516 (3) (a) The term of office of a member appointed under Subsection (1)(d) or (e) is four  
517 years.

518 (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the  
519 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
520 board members are staggered so that approximately half of the board is appointed every two  
521 years.

(c) A member of the board appointed under Subsection (1)(d) or (e) may not serve more than two consecutive four-year terms.

(4) A mid-term vacancy shall be filled for the unexpired term in the same manner as an appointment under Subsection (2).

(5) Board members shall elect a chair from their number and establish rules for the organization and operation of the board.

(6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section [63A-3-106](#);

(b) Section [63A-3-107](#); and

(c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).

(7) A member is not required to give bond for the performance of official duties.

(8) Staff services to the board shall be provided by the Division of Conservation.

Section 9. Section **4-46-202**, which is renumbered from Section 11-38-202 is renumbered and amended to read:

**[11-38-202].            4-46-202. Board duties and powers -- No regulatory authority -- Criteria.**

(1) The ~~[commission]~~ board shall:

~~[(a) make recommendations to the Legislature on how to define more specifically quality growth areas within the general guidelines provided to the commission by the Legislature;]~~

~~[(b) advise the Legislature on growth management issues;]~~

~~[(c) make recommendations to the Legislature on refinements to this chapter;]~~

~~[(d) conduct a review in 2002 and each year thereafter to determine progress statewide on accomplishing the purposes of this chapter, and give a report of each review to the Political Subdivisions Interim Committee of the Legislature by November 30 of the year of the review;]~~

~~[(e)]~~ (a) administer the program as provided in this chapter; and

~~[(f) assist as many local entities as possible, at their request, to identify principles of growth that the local entity may consider implementing to help achieve the highest possible quality of growth for that entity;]~~

553           ~~[(g)]~~ (b) fulfill other responsibilities imposed on the ~~[commission]~~ board by the  
554 Legislature~~[-and]~~.

555           ~~[(h)]~~ fulfill all other duties imposed on the commission by this chapter.]

556           ~~[(2)]~~ The commission may sell, lease, or otherwise dispose of equipment or personal  
557 property belonging to the program, the proceeds from which shall return to the fund.]

558           ~~[(3)]~~ (2) The ~~[commission]~~ board may not exercise any regulatory authority.

559           ~~[(4)]~~ (3) In carrying out the ~~[commission's]~~ board's powers and duties under this  
560 chapter, the ~~[commission]~~ board shall adopt ranking criteria that is substantially similar to the  
561 ranking criteria used by the Agriculture Conservation Easement Program and Agriculture Land  
562 Easement as determined by the Natural Resources Conservation Service under the United  
563 States Department of Agriculture.

564           Section 10. Section **4-46-301**, which is renumbered from Section 11-38-301 is  
565 renumbered and amended to read:

566                           **Part 3. LeRay McAllister Critical Land Conservation Program**

567           ~~[11-38-301].~~           **4-46-301. LeRay McAllister Critical Land Conservation**  
568 **Program.**

569           (1) There is created a program entitled the "LeRay McAllister Critical Land  
570 Conservation Program."

571           (2) Funding for the program shall be a line item in the budget of the ~~[Quality Growth~~  
572 ~~Commission]~~ board. The line item shall be nonlapsing.

573           Section 11. Section **4-46-302**, which is renumbered from Section 11-38-302 is  
574 renumbered and amended to read:

575           ~~[11-38-302].~~           **4-46-302. Use of money in program -- Criteria --**  
576 **Administration.**

577           (1) Subject to Subsection (2), the ~~[commission]~~ board may authorize the use of money  
578 in the program, by grant, to:

579           (a) a local entity;

580           (b) the Department of Natural Resources created under Section **79-2-201**;

581           (c) ~~[the Department of Agriculture and Food created under Section **4-2-102**]~~ an entity  
582 within the department; or

583           (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),

584 Internal Revenue Code.

585 (2) (a) The money in the program shall be used for preserving or restoring open land  
586 and agricultural land.

587 (b) (i) Except as provided in Subsection (2)(b)(ii), money from the program may not be  
588 used to purchase a fee interest in real property [~~in order~~] to preserve open land or agricultural  
589 land, but may be used to establish a conservation easement under Title 57, Chapter 18, Land  
590 Conservation Easement Act, or to fund similar methods to preserve open land or agricultural  
591 land.

592 (ii) Notwithstanding Subsection (2)(b)(i), money from the [~~fund~~] program may be used  
593 to purchase a fee interest in real property to preserve open land or agricultural land if:

594 (A) the parcel to be purchased is no more than 20 acres in size; and

595 (B) with respect to a parcel purchased in a county in which over 50% of the land area is  
596 publicly owned, real property roughly equivalent in size and located within that county is  
597 contemporaneously transferred to private ownership from the governmental entity that  
598 purchased the fee interest in real property.

599 (iii) Eminent domain may not be used or threatened in connection with any purchase  
600 using money from the program.

601 (iv) A parcel of land larger than 20 acres in size may not be divided into separate  
602 parcels smaller than 20 acres each to meet the requirement of Subsection (2)(b)(ii).

603 (c) A local entity, department, or organization under Subsection (1) may not receive  
604 money from the program unless the local entity, department, or organization provides matching  
605 funds equal to or greater than the amount of money received from the program.

606 (d) In granting money from the program, the [~~commission~~] board may impose  
607 conditions on the recipient as to how the money is to be spent.

608 (e) The [~~commission~~] board shall give priority to:

609 (i) working agricultural land; and

610 (ii) after giving priority to working agricultural land under Subsection (2)(e)(i),  
611 requests from the Department of Natural Resources for up to 20% of each annual increase in  
612 the amount of money in the program if the money is used for the protection of wildlife or  
613 watershed.

614 (f) (i) The [~~commission~~] board may not make a grant from the program that exceeds

\$1,000,000 until after making a report to the Legislative Management Committee about the grant.

(ii) The Legislative Management Committee may make a recommendation to the ~~[commission]~~ board concerning the intended grant, but the recommendation is not binding on the ~~[commission]~~ board.

(3) In determining the amount and type of financial assistance to provide ~~[an]~~ a local entity, department, or organization under Subsection (1) and subject to Subsection (2)(f), the ~~[commission]~~ board shall consider:

(a) the nature and amount of open land and agricultural land proposed to be preserved or restored;

(b) the qualities of the open land and agricultural land proposed to be preserved or restored;

(c) the cost effectiveness of the project to preserve or restore open land or agricultural land;

(d) the funds available;

(e) the number of actual and potential applications for financial assistance and the amount of money sought by those applications;

(f) the open land preservation plan of the local entity where the project is located and the priority placed on the project by that local entity;

(g) the effects on housing affordability and diversity; and

(h) whether the project protects against the loss of private property ownership.

(4) If a local entity, department, or organization under Subsection (1) seeks money from the program for a project whose purpose is to protect critical watershed, the ~~[commission]~~ board shall require that the needs and quality of that project be verified by the state engineer.

(5) An interest in real property purchased with money from the program shall be held and administered by the state or a local entity.

(6) (a) The board may not authorize the use of money under this section for a project unless the county land use authority for the county in which the project is located consents to the project.

(b) To obtain consent to a project, the person who is seeking money from the program shall submit a request for consent to a project with the applicable county land use authority.

The county land use authority may grant or deny consent. If the county land use authority does not take action within 30 days from the day on which the request for consent is filed with the county land use authority under this Subsection (6), the board shall treat the project as having the consent of the county land use authority.

(c) An action of a county land use authority under this Subsection (6) is not a land use decision subject to Title 17, Chapter 27a, County Land Use, Development, and Management Act.

Section 12. Section **4-46-303**, which is renumbered from Section 11-38-304 is renumbered and amended to read:

~~[11-38-304]~~. **4-46-303. Board to report annually.**

The ~~[commission]~~ board shall submit an annual report to the Infrastructure and General Government and Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittees:

- (1) specifying the amount of each disbursement from the program;
- (2) identifying the recipient of each disbursement and describing the project for which money was disbursed; and
- (3) detailing the conditions, if any, placed by the ~~[commission]~~ board on disbursements from the program.

Section 13. Section **4-46-401** is enacted to read:

#### **Part 4. Division of Conservation**

##### **4-46-401. Division of Conservation created -- Director.**

- (1) Within the department there is created the Division of Conservation.
- (2) (a) The director is the executive and administrative head of the division.
- (b) The director shall administer this part subject to the administration and general supervision of the commissioner.
- (3) The division shall coordinate state conservation efforts by:
  - (a) staffing the board created in Section [4-46-201](#);
  - (b) coordinating with a conservation district in accordance with Section [4-46-402](#);
  - (c) coordinating with an agency or division within the department, the Department of Natural Resources, other state agencies, counties, cities, towns, local land trust entities, and federal agencies;

(d) facilitating obtaining federal funds in addition to state funds used for state conservation efforts;

(e) monitoring and providing for the management of conservation easements on state lands, including coordination with the Division of Wildlife Resources in the Division of Wildlife Resources' administration of Section [23-14-14.2](#); and

(f) implementing rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and Section [4-46-403](#).

(4) The division may cooperate with, or enter into agreements with, other agencies of this state and federal agencies in the administration and enforcement of this chapter.

Section 14. Section **4-46-402** is enacted to read:

**4-46-402. Training -- Coordination with conservation districts.**

(1) The division shall provide training to the conservation commission concerning:

(a) funding state conservation efforts; and

(b) coordinating state conservation efforts.

(2) The division shall work with the conservation commission in coordinating with a conservation district.

Section 15. Section **4-46-403** is enacted to read:

**4-46-403. Conservation rules.**

The department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(1) establish requirements for the training described in Section [4-46-402](#); and

(2) establish the procedures the division shall follow in coordinating state conservation efforts.

Section 16. Section **9-9-112** is amended to read:

**9-9-112. Bears Ears Visitor Center Advisory Committee.**

(1) Utah extends an invitation to the Navajo Nation, the Ute Mountain Ute Tribe, the Hopi Nation, the Zuni Tribe, and the Ute Indian Tribe of the Uintah Ouray to form an advisory committee for the purpose of exploring the feasibility, location, functions, and other important matters surrounding the creation of a visitor center at Bears Ears.

(2) As used in this section:

(a) "Advisory committee" means the Bears Ears Visitor Center Advisory Committee

created by this section.

(b) "Bears Ears" means the Bears Ears National Monument.

(3) (a) Subject to Subsection (3)(b), there is created the Bears Ears Visitor Center Advisory Committee consisting of the following eight members:

(i) five voting members as follows:

(A) a representative of the Navajo Nation, appointed by the Navajo Nation;

(B) a representative of the Ute Mountain Ute Tribe, appointed by the Ute Mountain Ute Tribe;

(C) a representative of the Hopi Nation, appointed by the Hopi Nation;

(D) a representative of the Zuni Tribe, appointed by the Zuni Tribe; and

(E) a representative of the Ute Indian Tribe of the Uintah Ouray, appointed by the Ute Indian Tribe of the Uintah Ouray; and

(ii) subject to Subsection (4), three nonvoting members as follows:

(A) one member of the Senate, appointed by the president of the Senate; and

(B) two members of the House of Representatives, appointed by the speaker of the House of Representatives.

(b) The advisory committee is formed when all of the tribes described in Subsection (1) have communicated to the other tribes and to the Division of Indian Affairs that the tribe has appointed a member to the advisory committee.

(4) At least one of the three legislative members appointed under Subsection (3)(a)(ii) shall be from a minority party.

(5) The advisory committee may select from the advisory committee members the chair or other officers of the advisory committee.

(6) (a) If a vacancy occurs in the membership of the advisory committee appointed under Subsection (3), the member shall be replaced in the same manner in which the original appointment was made.

(b) A member appointed under Subsection (3) serves until the member's successor is appointed and qualified.

(7) (a) A majority of the voting members of the advisory committee constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the advisory



committee.

(8) (a) The salary and expenses of an advisory committee member who is a legislator shall be paid in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(b) An advisory committee member who is not a legislator may not receive compensation or benefits for the member's service on the advisory committee, but may receive per diem and reimbursement for travel expenses incurred as an advisory committee member at the rates established by the Division of Finance under:

(i) Sections 63A-3-106 and 63A-3-107; and

(ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) The advisory committee may invite the United States Forest Service, the Bureau of Land Management, the Division of State Parks, the Division of Outdoor Recreation, and the Utah Office of Tourism within the Governor's Office of Economic Opportunity, to serve as technical advisors to the advisory committee.

(10) The Division of Indian Affairs shall staff the advisory committee.

(11) The advisory committee shall study and make recommendations concerning:

(a) the need for a visitor center associated with Bears Ears;

(b) the feasibility of a visitor center associated with Bears Ears, including investigating:

(i) potential locations for the visitor center;

(ii) purposes for the visitor center; and

(iii) sources of funding to build and maintain the visitor center;

(c) whether a visitor center will increase visitorship to Bears Ears; and

(d) whether a visitor center at Bears Ears could function as a repository of traditional knowledge and practices.

(12) The advisory committee may contract with one or more consultants to conduct work related to the issues raised in Subsection (11) if the Legislature appropriates money expressly for the purpose of the advisory committee contracting with a consultant.

(13) The advisory committee shall hold at least one public hearing to obtain public comment on the creation of a Bears Ears visitor center.

(14) The advisory committee shall report the advisory committee's recommendations to

one or more of the following:

- (a) the Economic Development and Workforce Services Interim Committee;
- (b) the House Economic Development and Workforce Services Committee; or
- (c) the Senate Economic Development and Workforce Services Committee.

Section 17. Section **23-14-14.2** is amended to read:

**23-14-14.2. Wildlife Resources Conservation Easement Restricted Account.**

- (1) There is created within the General Fund a restricted account known as the "Wildlife Resources Conservation Easement Account."
- (2) The Wildlife Resources Conservation Easement Account consists of:
  - (a) grants from private foundations;
  - (b) grants from local governments, the state, or the federal government;
  - (c) grants from the [~~Quality Growth Commission~~] Land Conservation Board created under Section [~~41-38-201~~] 4-46-201;
  - (d) donations from landowners for monitoring and managing conservation easements;
  - (e) donations from any other person; and
  - (f) interest on account money.
- (3) Upon appropriation by the Legislature, the Division of Wildlife Resources shall use money from the account to monitor and manage conservation easements held by the division.
- (4) The division may not receive or expend donations from the account to acquire conservation easements.

Section 18. Section **35A-8-2105** is amended to read:

**35A-8-2105. Allocation of volume cap.**

- (1) (a) Subject to Subsection (1)(b), the volume cap for each year shall be distributed by the board of review to the allotment accounts as described in Section 35A-8-2106.
- (b) The board of review may distribute up to 50% of each increase in the volume cap for use in development that occurs in quality growth areas, depending upon the board's analysis of the relative need for additional volume cap between development in quality growth areas and the allotment accounts under Section 35A-8-2106.
- (2) To obtain an allocation of the volume cap, issuing authorities shall submit to the board of review an application containing information required by the procedures and processes of the board of review.

(3) (a) The board of review shall establish criteria for making allocations of volume cap that are consistent with the purposes of the code and this part.

(b) In making an allocation of volume cap the board of review shall consider the following:

- (i) the principal amount of the bonds proposed to be issued;
- (ii) the nature and the location of the project or the type of program;
- (iii) the likelihood that the bonds will be sold and the timeframe of bond issuance;
- (iv) whether the project or program could obtain adequate financing without an allocation of volume cap;
- (v) the degree to which an allocation of volume cap is required for the project or program to proceed or continue;
- (vi) the social, health, economic, and educational effects of the project or program on the local community and state as a whole;
- (vii) the anticipated economic development created or retained within the local community and the state as a whole;
- (viii) the anticipated number of jobs, both temporary and permanent, created or retained within the local community and the state as a whole; and
- (ix) if the project is a residential rental project, the degree to which the residential rental project:

- (A) targets lower income populations; and
- (B) is accessible housing~~[-and].~~
- ~~[(x) whether the project meets the principles of quality growth recommended by the Quality Growth Commission created in Section 11-38-201.]~~

(4) The board of review shall provide evidence of an allocation of volume cap by issuing a certificate in accordance with Section 35A-8-2107.

(5) (a) From January 1 to June 30 of each year, the board of review shall set aside at least 50% of the Small Issue Bond Account that may only be allocated to manufacturing projects.

(b) From July 1 to August 15 of each year, the board of review shall set aside at least 50% of the Pool Account that may only be allocated to manufacturing projects.

Section 19. Section 41-1a-418 is amended to read:

**41-1a-418. Authorized special group license plates.**

(1) The division shall only issue special group license plates in accordance with this section through Section 41-1a-422 to a person who is specified under this section within the categories listed as follows:

(a) disability special group license plates issued in accordance with Section 41-1a-420;

(b) honor special group license plates, as in a war hero, which plates are issued for a:

(i) survivor of the Japanese attack on Pearl Harbor;

(ii) former prisoner of war;

(iii) recipient of a Purple Heart;

(iv) disabled veteran;

(v) recipient of a gold star award issued by the United States Secretary of Defense; or

(vi) recipient of a campaign or combat theater award determined by the Department of Veterans and Military Affairs;

(c) unique vehicle type special group license plates, as for historical, collectors value, or other unique vehicle type, which plates are issued for:

(i) a special interest vehicle;

(ii) a vintage vehicle;

(iii) a farm truck; or

(iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as defined in Section 59-13-102; or

(B) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle powered by clean fuel that meets the standards established by the Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b);

(d) recognition special group license plates, which plates are issued for:

(i) a current member of the Legislature;

(ii) a current member of the United States Congress;

(iii) a current member of the National Guard;

(iv) a licensed amateur radio operator;

(v) a currently employed, volunteer, or retired firefighter until June 30, 2009;

(vi) an emergency medical technician;

- 863 (vii) a current member of a search and rescue team;
- 864 (viii) a current honorary consulate designated by the United States Department of  
865 State;
- 866 (ix) an individual supporting commemoration and recognition of women's suffrage;
- 867 (x) an individual supporting a fraternal, initiatic order for those sharing moral and  
868 metaphysical ideals, and designed to teach ethical and philosophical matters of brotherly love,  
869 relief, and truth;
- 870 (xi) an individual supporting the Utah Wing of the Civil Air Patrol; or
- 871 (xii) an individual supporting the recognition and continuation of the work and life of  
872 Dr. Martin Luther King, Jr.; or
- 873 (e) support special group license plates, as for a contributor to an institution or cause,  
874 which plates are issued for a contributor to:
- 875 (i) an institution's scholastic scholarship fund;
- 876 (ii) the Division of Wildlife Resources;
- 877 (iii) the Department of Veterans and Military Affairs;
- 878 (iv) ~~[the Division of State Parks or]~~ the Division of Outdoor Recreation;
- 879 (v) the Department of Agriculture and Food;
- 880 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
- 881 (vii) the Boy Scouts of America;
- 882 (viii) spay and neuter programs through No More Homeless Pets in Utah;
- 883 (ix) the Boys and Girls Clubs of America;
- 884 (x) Utah public education;
- 885 (xi) programs that provide support to organizations that create affordable housing for  
886 those in severe need through the Division of Real Estate;
- 887 (xii) the Department of Public Safety;
- 888 (xiii) programs that support Zion National Park;
- 889 (xiv) beginning on July 1, 2009, programs that provide support to firefighter  
890 organizations;
- 891 (xv) programs that promote bicycle operation and safety awareness;
- 892 (xvi) programs that conduct or support cancer research;
- 893 (xvii) programs that create or support autism awareness;

(xviii) programs that create or support humanitarian service and educational and cultural exchanges;

(xix) until September 30, 2017, programs that conduct or support prostate cancer awareness, screening, detection, or prevention;

(xx) programs that support and promote adoptions;

(xxi) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization;

(xxii) programs that strengthen youth soccer, build communities, and promote environmental sustainability through an organization affiliated with a professional men's soccer organization;

(xxiii) programs that support children with heart disease;

(xxiv) programs that support the operation and maintenance of the Utah Law Enforcement Memorial;

(xxv) programs that provide assistance to children with cancer;

(xxvi) programs that promote leadership and career development through agricultural education;

(xxvii) the Utah State Historical Society;

(xxviii) programs to transport veterans to visit memorials honoring the service and sacrifices of veterans;

(xxix) programs that promote motorcycle safety awareness;

(xxx) organizations that promote clean air through partnership, education, and awareness;

(xxxi) programs dedicated to strengthening the state's Latino community through education, mentoring, and leadership opportunities;

(xxxii) organizations dedicated to facilitating, connecting, registering, and advocating for organ donors and donor families; or

(xxxiii) public education on behalf of the Kiwanis International clubs.

(2) (a) The division may not issue a new type of special group license plate or decal unless the division receives:

(i) (A) a private donation for the start-up fee established under Section [63J-1-504](#) for the production and administrative costs of providing the new special group license plates or

925 decals; or

926 (B) a legislative appropriation for the start-up fee provided under Subsection

927 (2)(a)(i)(A); and

928 (ii) beginning on January 1, 2012, and for the issuance of a support special group  
929 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new  
930 type of support special group license plate or decal to be issued with all fees required under this  
931 part for the support special group license plate or decal issuance paid by each applicant.

932 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and  
933 hold applications for support special group license plates or decals authorized in Section  
934 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

935 (ii) Once a participating organization has received at least 500 applications, it shall  
936 submit the applications, along with the necessary fees, to the division for the division to begin  
937 working on the design and issuance of the new type of support special group license plate or  
938 decal to be issued.

939 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design  
940 of a new support special group license plate or decal authorized in Section 41-1a-422 until the  
941 applications and fees required under this Subsection (2) have been received by the division.

942 (iv) The division shall begin issuance of a new support special group license plate or  
943 decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months  
944 after receiving the applications and fees required under this Subsection (2).

945 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle  
946 registration of a motor vehicle that has been issued a firefighter recognition special group  
947 license plate unless the applicant is a contributor as defined in Subsection  
948 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

949 (ii) A registered owner of a vehicle that has been issued a firefighter recognition  
950 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle  
951 registration shall:

952 (A) be a contributor to the Firefighter Support Restricted Account as required under  
953 Subsection (2)(c)(i); or

954 (B) replace the firefighter recognition special group license plate with a new license  
955 plate.

(3) Beginning on July 1, 2011, if a support special group license plate or decal type authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500 license plates issued each year for a three consecutive year time period that begins on July 1, the division may not issue that type of support special group license plate or decal to a new applicant beginning on January 1 of the following calendar year after the three consecutive year time period for which that type of support special group license plate or decal has fewer than 500 license plates issued each year.

(4) Beginning on July 1, 2011, the division may not issue to an applicant a unique vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

(5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer support special group license plate.

(b) A registered owner of a vehicle that has been issued a prostate cancer support special group license plate before October 1, 2017, may renew the owner's motor vehicle registration, with the contribution allocated as described in Section 41-1a-422.

Section 20. Section 41-1a-422 is amended to read:

**41-1a-422. Support special group license plates -- Contributor -- Voluntary contribution collection procedures.**

(1) As used in this section:

(a) (i) except as provided in Subsection (1)(a)(ii), "contributor" means a person who has donated or in whose name at least \$25 has been donated to:

(A) a scholastic scholarship fund of a single named institution;

(B) the Department of Veterans and Military Affairs for veterans programs;

(C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection, access, and management of wildlife habitat;

(D) the Department of Agriculture and Food for the benefit of conservation districts;

(E) the Division of Outdoor Recreation for the benefit of snowmobile programs;

(F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;

(G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;



(H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;

(I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs;

(J) the Utah Association of Public School Foundations to support public education;

(K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to assist people who have severe housing needs;

(L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118 to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees;

(M) the Division of ~~[State Parks]~~ Outdoor Recreation for distribution to organizations that provide support for Zion National Park;

(N) the Firefighter Support Restricted Account created in Section 53-7-109 to support firefighter organizations;

(O) the Share the Road Bicycle Support Restricted Account created in Section 72-2-127 to support bicycle operation and safety awareness programs;

(P) the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;

(Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support autism awareness programs;

(R) Humanitarian Service and Educational and Cultural Exchange Restricted Account created in Section 9-17-102 to support humanitarian service and educational and cultural programs;

(S) Upon renewal of a prostate cancer support special group license plate, to the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;

(T) the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608 to support programs that promote adoption;

(U) the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202;

(V) the Utah Law Enforcement Memorial Support Restricted Account created in

1018 Section 53-1-120;

1019 (W) the Children with Cancer Support Restricted Account created in Section

1020 26-21a-304 for programs that provide assistance to children with cancer;

1021 (X) the National Professional Men's Soccer Team Support of Building Communities

1022 Restricted Account created in Section 9-19-102;

1023 (Y) the Children with Heart Disease Support Restricted Account created in Section

1024 26-58-102;

1025 (Z) the Utah Intracurricular Student Organization Support for Agricultural Education

1026 and Leadership Restricted Account created in Section 4-42-102;

1027 (AA) the Division of Wildlife Resources for the Support for State-Owned Shooting

1028 Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and

1029 operation and maintenance of existing, state-owned firearm shooting ranges;

1030 (BB) the Utah State Historical Society to further the mission and purpose of the Utah

1031 State Historical Society;

1032 (CC) the Motorcycle Safety Awareness Support Restricted Account created in Section

1033 72-2-130;

1034 (DD) the Transportation of Veterans to Memorials Support Restricted Account created

1035 in Section 71-14-102;

1036 (EE) clean air support causes, with half of the donation deposited into the Clean Air

1037 Support Restricted Account created in Section 19-1-109, and half of the donation deposited

1038 into the Clean Air Fund created in Section 59-10-1319;

1039 (FF) the Latino Community Support Restricted Account created in Section 13-1-16;

1040 (GG) the Allyson Gamble Organ Donation Contribution Fund created in Section

1041 26-18b-101; or

1042 (HH) public education on behalf of the Kiwanis International clubs, with the amount of

1043 the donation required to cover the costs of issuing, ordering, or reordering Kiwanis support

1044 special group plates, as determined by the State Tax Commission, deposited into the Kiwanis

1045 Education Support Fund created in Section 53F-9-403, and all remaining donation amounts

1046 deposited into the Education Fund.

1047 (ii) (A) For a veterans special group license plate described in Subsection (4) or

1048 41-1a-421(1)(a)(v) [~~or 41-1a-422(4)~~], "contributor" means a person who has donated or in

1049 whose name at least a \$25 donation at the time of application and \$10 annual donation  
1050 thereafter has been made.

1051 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a  
1052 person who:

1053 (I) has donated or in whose name at least \$30 has been donated at the time of  
1054 application and annually after the time of application; and

1055 (II) is a member of a trade organization for real estate licensees that has more than  
1056 15,000 Utah members.

1057 (C) For an Honoring Heroes special group license plate, "contributor" means a person  
1058 who has donated or in whose name at least \$35 has been donated at the time of application and  
1059 annually thereafter.

1060 (D) For a firefighter support special group license plate, "contributor" means a person  
1061 who:

1062 (I) has donated or in whose name at least \$15 has been donated at the time of  
1063 application and annually after the time of application; and

1064 (II) is a currently employed, volunteer, or retired firefighter.

1065 (E) For a cancer research special group license plate, "contributor" means a person who  
1066 has donated or in whose name at least \$35 has been donated at the time of application and  
1067 annually after the time of application.

1068 (F) For a Utah Law Enforcement Memorial Support special group license plate,  
1069 "contributor" means a person who has donated or in whose name at least \$35 has been donated  
1070 at the time of application and annually thereafter.

1071 (b) "Institution" means a state institution of higher education as defined under Section  
1072 53B-3-102 or a private institution of higher education in the state accredited by a regional or  
1073 national accrediting agency recognized by the United States Department of Education.

1074 (2) (a) An applicant for original or renewal collegiate special group license plates under  
1075 Subsection (1)(a)(i) must be a contributor to the institution named in the application and  
1076 present the original contribution verification form under Subsection (2)(b) or make a  
1077 contribution to the division at the time of application under Subsection (3).

1078 (b) An institution with a support special group license plate shall issue to a contributor  
1079 a verification form designed by the commission containing:

1080 (i) the name of the contributor;

1081 (ii) the institution to which a donation was made;

1082 (iii) the date of the donation; and

1083 (iv) an attestation that the donation was for a scholastic scholarship.

1084 (c) The state auditor may audit each institution to verify that the money collected by the

1085 institutions from contributors is used for scholastic scholarships.

1086 (d) After an applicant has been issued collegiate license plates or renewal decals, the

1087 commission shall charge the institution whose plate was issued, a fee determined in accordance

1088 with Section 63J-1-504 for management and administrative expenses incurred in issuing and

1089 renewing the collegiate license plates.

1090 (e) If the contribution is made at the time of application, the contribution shall be

1091 collected, treated, and deposited as provided under Subsection (3).

1092 (3) (a) An applicant for original or renewal support special group license plates under

1093 this section must be a contributor to the sponsoring organization associated with the license

1094 plate.

1095 (b) This contribution shall be:

1096 (i) unless collected by the named institution under Subsection (2), collected by the

1097 division;

1098 (ii) considered a voluntary contribution for the funding of the activities specified under

1099 this section and not a motor vehicle registration fee;

1100 (iii) deposited into the appropriate account less actual administrative costs associated

1101 with issuing the license plates; and

1102 (iv) for a firefighter special group license plate, deposited into the appropriate account

1103 less:

1104 (A) the costs of reordering firefighter special group license plate decals; and

1105 (B) the costs of replacing recognition special group license plates with new license

1106 plates under Subsection 41-1a-1211(13).

1107 (c) The donation described in Subsection (1)(a) must be made in the 12 months [~~prior~~

1108 ~~to~~] before registration or renewal of registration.

1109 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to

1110 the division when issuing original:

1111 (i) snowmobile license plates; or

1112 (ii) conservation license plates.

1113 (4) Veterans license plates shall display one of the symbols representing the Army,

1114 Navy, Air Force, Marines, Coast Guard, or American Legion.

1115 Section 21. Section **41-6a-1509** is amended to read:

1116 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**

1117 **Registration and licensing requirements -- Equipment requirements.**

1118 (1) (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain  
1119 type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, that meets the  
1120 requirements of this section as a street-legal ATV on a street or highway.

1121 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II  
1122 vehicle, or all-terrain type III vehicle as a street-legal ATV on a highway if:

1123 (i) the highway is an interstate system as defined in Section [72-1-102](#); or

1124 (ii) the highway is in a county of the first class and both of the following criterion is  
1125 met:

1126 (A) the highway is near a grade separated portion of the highway; and

1127 (B) the highway has a posted speed limit higher than 50 miles per hour.

1128 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that  
1129 is not open to motor vehicle use.

1130 (2) A street-legal ATV shall comply with Section [59-2-405.2](#), Subsection

1131 [41-1a-205](#)(1), Subsection [53-8-205](#)(1)(b), and the same requirements as:

1132 (a) a motorcycle for:

1133 (i) traffic rules under [~~Title 41, Chapter 6a, Traffic Code~~] this chapter;

1134 (ii) titling, odometer statement, vehicle identification, license plates, and registration,  
1135 excluding registration fees, under [~~Title 41,~~] Chapter 1a, Motor Vehicle Act; and

1136 (iii) the county motor vehicle emissions inspection and maintenance programs under  
1137 Section [41-6a-1642](#);

1138 (b) a motor vehicle for:

1139 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and

1140 (ii) motor vehicle insurance under [~~Title 41,~~] Chapter 12a, Financial Responsibility of  
1141 Motor Vehicle Owners and Operators Act; and

(c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under ~~[Title 41,]~~ Chapter 22, Off-Highway Vehicles, and ~~[Title 41,]~~ Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this section.

(3) (a) The owner of an all-terrain type I vehicle being operated as a street-legal ATV shall ensure that the vehicle is equipped with:

(i) one or more headlamps that meet the requirements of Section 41-6a-1603;

(ii) one or more tail lamps;

(iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;

(iv) one or more red reflectors on the rear;

(v) one or more stop lamps on the rear;

(vi) amber or red electric turn signals, one on each side of the front and rear;

(vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;

(viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;

(ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;

(x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;

(xi) a windshield, unless the operator wears eye protection while operating the vehicle;

(xii) a speedometer, illuminated for nighttime operation;

(xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers; and

(xiv) tires that:

(A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and

(B) have at least 2/32 inches or greater tire tread.

(b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being operated as a street-legal all-terrain vehicle shall ensure that the vehicle is equipped with:

(i) two headlamps that meet the requirements of Section 41-6a-1603;

- 1173 (ii) two tail lamps;
- 1174 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate  
1175 with a white light;
- 1176 (iv) one or more red reflectors on the rear;
- 1177 (v) two stop lamps on the rear;
- 1178 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 1179 (vii) a braking system, other than a parking brake, that meets the requirements of  
1180 Section 41-6a-1623;
- 1181 (viii) a horn or other warning device that meets the requirements of Section  
1182 41-6a-1625;
- 1183 (ix) a muffler and emission control system that meets the requirements of Section  
1184 41-6a-1626;
- 1185 (x) rearview mirrors on the right and left side of the driver in accordance with Section  
1186 41-6a-1627;
- 1187 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 1188 (xii) a speedometer, illuminated for nighttime operation;
- 1189 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a  
1190 seat designed for passengers;
- 1191 (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle  
1192 occupant;
- 1193 (xv) a seat with a height between 20 and 40 inches when measured at the forward edge  
1194 of the seat bottom; and
- 1195 (xvi) tires that:
- 1196 (A) do not exceed 44 inches in height; and
- 1197 (B) have at least 2/32 inches or greater tire tread.
- 1198 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle  
1199 with wheel covers, mudguards, flaps, or splash aprons.
- 1200 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal  
1201 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not  
1202 exceed the lesser of:
- 1203 (i) the posted speed limit; or

1204 (ii) 50 miles per hour.

1205 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal

1206 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

1207 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the

1208 roadway; and

1209 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the

1210 front and back of both sides of the vehicle.

1211 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be

1212 operated on the highways of another state has the same rights and privileges as a street-legal

1213 ATV that is granted operating privileges on the highways of this state, subject to the

1214 restrictions under this section and rules made by the Division of Outdoor Recreation, after

1215 ~~[consulting]~~ notifying the Outdoor Adventure Commission, if the other state offers reciprocal

1216 operating privileges to Utah residents.

1217 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1218 Division of Outdoor Recreation, after ~~[consultation with]~~ notifying the Outdoor Adventure

1219 Commission, shall establish eligibility requirements for reciprocal operating privileges for

1220 nonresident users granted under Subsection (5)(a).

1221 (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating

1222 the off-highway vehicle in accordance with Section 41-22-10.5.

1223 (7) A violation of this section is an infraction.

1224 Section 22. Section **41-22-2** is amended to read:

1225 **41-22-2. Definitions.**

1226 As used in this chapter:

1227 (1) "Advisory council" means ~~[the Off-highway Vehicle Advisory Council]~~ an advisory

1228 council appointed by the Division of Outdoor Recreation that has within the advisory council's

1229 duties advising on policies related to the use of off-highway vehicles.

1230 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width,

1231 having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure

1232 tires, having a seat designed to be straddled by the operator, and designed for or capable of

1233 travel over unimproved terrain.

1234 (3) (a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width,



1235 traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a  
1236 rollover protection system, and designed for or capable of travel over unimproved terrain, and  
1237 is:

1238 (i) an electric-powered vehicle; or

1239 (ii) a vehicle powered by an internal combustion engine and has an unladen dry weight  
1240 of 2,500 pounds or less.

1241 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to  
1242 carry a person with a disability, any vehicle not specifically designed for recreational use, or  
1243 farm tractors as defined under Section [41-1a-102](#).

1244 (4) (a) "All-terrain type III vehicle" means any other motor vehicle, not defined in  
1245 Subsection (2), (3), (12), or (22), designed for or capable of travel over unimproved terrain.

1246 (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to  
1247 carry a person with a disability, any vehicle not specifically designed for recreational use, or  
1248 farm tractors as defined under Section [41-1a-102](#).

1249 (5) "Commission" means the Outdoor Adventure Commission.

1250 (6) "Cross-country" means across natural terrain and off an existing highway, road,  
1251 route, or trail.

1252 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at  
1253 wholesale or retail.

1254 (8) "Division" means the Division of Outdoor Recreation.

1255 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed  
1256 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of  
1257 10 pounds per square inch or less as recommended by the vehicle manufacturer.

1258 (10) "Manufacturer" means a person engaged in the business of manufacturing  
1259 off-highway vehicles.

1260 (11) (a) "Motor vehicle" means every vehicle which is self-propelled.

1261 (b) "Motor vehicle" includes an off-highway vehicle.

1262 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the  
1263 operator and designed to travel on not more than two tires.

1264 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle,  
1265 all-terrain type II vehicle, all-terrain type III vehicle, motorcycle, or snowmobile that is used by

1266 the owner or the owner's agent for agricultural operations.

1267 (14) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle,  
1268 all-terrain type II vehicle, all-terrain type III vehicle, or motorcycle.

1269 (15) "Operate" means to control the movement of or otherwise use an off-highway  
1270 vehicle.

1271 (16) "Operator" means the person who is in actual physical control of an off-highway  
1272 vehicle.

1273 (17) "Organized user group" means an off-highway vehicle organization incorporated  
1274 as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit  
1275 Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.

1276 (18) "Owner" means a person, other than a person with a security interest, having a  
1277 property interest or title to an off-highway vehicle and entitled to the use and possession of that  
1278 vehicle.

1279 (19) "Public land" means land owned or administered by any federal or state agency or  
1280 any political subdivision of the state.

1281 (20) "Register" means the act of assigning a registration number to an off-highway  
1282 vehicle.

1283 (21) "Roadway" is used as defined in Section 41-6a-102.

1284 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and  
1285 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires.

1286 (23) "Street or highway" means the entire width between boundary lines of every way  
1287 or place of whatever nature, when any part of it is open to the use of the public for vehicular  
1288 travel.

1289 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as  
1290 defined in Section 41-6a-102.

1291 Section 23. Section 41-22-5.1 is amended to read:

1292 **41-22-5.1. Rules of division relating to display of registration stickers.**

1293 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1294 division, after ~~[consultation with]~~ notifying the commission, shall make rules for the display of  
1295 a registration sticker on an off-highway vehicle in accordance with Section 41-22-3.

1296 Section 24. Section 41-22-5.5 is amended to read:

**41-22-5.5. Off-highway husbandry vehicles.**

(1) (a) (i) The owner of an all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile used for agricultural purposes may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker.

(ii) Each application under Subsection (1)(a)(i) shall be accompanied by:

(A) evidence of ownership;

(B) a title or a manufacturer's certificate of origin; and

(C) a signed statement certifying that the off-highway vehicle is used for agricultural purposes.

(iii) The owner shall receive an off-highway implement of husbandry sticker upon production of:

(A) the documents required under this Subsection (1); and

(B) payment of an off-highway implement of husbandry sticker fee established by the division, after ~~[consultation with]~~ notifying the commission, not to exceed \$10.

(b) If the vehicle is also used for recreational purposes on public lands, trails, streets, or highways, it shall also be registered under Section [41-22-3](#).

(c) The off-highway implement of husbandry sticker shall be displayed in a manner prescribed by the division and shall identify the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile as an off-highway implement of husbandry.

(2) The off-highway implement of husbandry sticker is valid only for the life of the ownership of the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile and is not transferable.

(3) The off-highway implement of husbandry sticker is valid for an all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile that is being operated adjacent to a roadway:

(a) when the all-terrain type I vehicle, motorcycle, all-terrain type II vehicle, all-terrain type III vehicle, or snowmobile is only being used to travel from one parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner of the vehicle to another parcel of land owned, operated, permitted, or leased for agricultural purposes by the owner; and

(b) when this operation is necessary for the furtherance of agricultural purposes.

(4) If the operation of an off-highway implement of husbandry adjacent to a roadway is impractical, it may be operated on the roadway if the operator exercises due care towards conventional motor vehicle traffic.

(5) It is unlawful to operate an off-highway implement of husbandry along, across, or within the boundaries of an interstate freeway.

(6) A violation of this section is an infraction.

Section 25. Section **41-22-8** is amended to read:

**41-22-8. Registration fees.**

(1) The division, after ~~[consultation with]~~ notifying the commission, shall establish the fees ~~[which]~~ that shall be paid in accordance with this chapter, subject to the following:

(a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway vehicle registration may not exceed \$35.

(ii) The fee for each snowmobile registration may not exceed \$26.

(iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

(b) The fee for each duplicate registration card may not exceed \$3.

(c) The fee for each duplicate registration sticker may not exceed \$5.

(2) A fee may not be charged for an off-highway vehicle that is owned and operated by the United States Government, this state, or its political subdivisions.

(3) (a) In addition to the fees under this section, Section [41-22-33](#), and Section [41-22-34](#), the Motor Vehicle Division shall require a person to pay one dollar to register an off-highway vehicle under Section [41-22-3](#).

(b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund described in Section [26-54-102](#).

Section 26. Section **41-22-10** is amended to read:

**41-22-10. Powers of division relating to off-highway vehicles.**

~~[(1)]~~ The division may:

~~[(a)]~~ (1) appoint and seek recommendations from the ~~[Off-highway Vehicle Advisory Council]~~ advisory council representing the various off-highway vehicle, conservation, and other appropriate interests; and

~~[(b)]~~ (2) adopt a uniform marker and sign system for use by agents of appropriate

federal, state, county, and city agencies in areas of off-highway vehicle use.

~~[(2) The division shall receive and distribute voluntary contributions collected under Section 41-1a-230.6 in accordance with Section 41-22-19.5.]~~

Section 27. Section 41-22-10.7 is amended to read:

**41-22-10.7. Vehicle equipment requirements -- Rulemaking -- Exceptions.**

(1) Except as provided under Subsection (3), an off-highway vehicle shall be equipped with:

(a) brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;

(b) headlights and taillights when operated between sunset and sunrise;

(c) a noise control device and except for a snowmobile, a spark arrestor device; and

(d) when operated on sand dunes designated by the division, a safety flag that is:

(i) red or orange in color;

(ii) a minimum of six by 12 inches; and

(iii) attached to:

(A) the off-highway vehicle so that the safety flag is at least eight feet above the surface of level ground; or

(B) the protective headgear of a person operating a motorcycle so that the safety flag is at least 18 inches above the top of the person's head.

(2) A violation of Subsection (1) is an infraction.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules, after ~~[consultation with]~~ notifying the commission, which set standards for the equipment and which designate sand dunes where safety flags are required under Subsection (1).

(4) An off-highway implement of husbandry used only in agricultural operations and not operated on a highway, is exempt from the provisions of this section.

Section 28. Section 41-22-19 is amended to read:

**41-22-19. Deposit of fees and related money in Off-highway Vehicle Account -- Use for facilities, costs and expenses of division, and education -- Request for matching funds.**

(1) Except as provided under Subsections (3) and (4) and Sections 41-22-34 and

1390 41-22-36, [all] registration fees and related money collected by the Motor Vehicle Division or  
1391 any agencies designated to act for the Motor Vehicle Division under this chapter shall be  
1392 deposited as restricted revenue in the Off-highway Vehicle Account in the General Fund less  
1393 the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division.

1394 The balance of the money may be used by the division ~~[as follows]:~~

1395 (a) for the construction, improvement, operation, acquisition, or maintenance of  
1396 publicly owned or administered off-highway vehicle facilities, including public access  
1397 facilities;

1398 (b) for the mitigation of impacts associated with off-highway vehicle use;

1399 ~~[(c) as grants or as matching funds with any federal agency, state agency, political~~  
1400 ~~subdivision of the state, or organized user group for the construction, improvement, operation,~~  
1401 ~~acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities~~  
1402 ~~including public access facilities;]~~

1403 ~~[(d) for the administration and enforcement of the provisions of this chapter; and]~~

1404 ~~[(e)]~~ (c) for the education of off-highway vehicle users[-];

1405 (d) for off-highway vehicle access protection;

1406 (e) to support off-highway vehicle search and rescue activities and programs;

1407 (f) to promote and encourage off-highway vehicle tourism;

1408 (g) for other uses that further the policy set forth in Section 41-22-1;

1409 (h) as grants or matching funds with a federal agency, state agency, political  
1410 subdivision of the state, or organized user group for any of the uses described in Subsections  
1411 (1)(a) through (g); and

1412 (i) for the administration and enforcement of this chapter.

1413 (2) ~~[All agencies or political subdivisions]~~ An agency or political subdivision  
1414 requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the  
1415 division for review and approval.

1416 (3) (a) One dollar and 50 cents of each annual registration fee collected under  
1417 Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection  
1418 41-22-35(2) shall be deposited in the Land Grant Management Fund created under Section  
1419 53C-3-101.

1420 (b) The Utah School and Institutional Trust Lands Administration shall use the money

deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally accessible lands within its jurisdiction as follows:

(i) to improve recreational opportunities on trust lands by constructing, improving, maintaining, or perfecting access for off-highway vehicle trails; and

(ii) to mitigate impacts associated with off-highway vehicle use.

(c) ~~[Any]~~ An unused balance of the money deposited under Subsection (3)(a) exceeding \$350,000 at the end of each fiscal year shall be deposited in the Off-highway Vehicle Account under Subsection (1).

(4) One dollar of each off-highway vehicle registration fee collected under Subsection 41-22-8(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, after notifying the commission, shall make rules as necessary to implement this section.

Section 29. Section 41-22-31 is amended to read:

**41-22-31. Division to set standards for safety program -- Safety certificates issued -- Cooperation with public and private entities -- State immunity from suit.**

(1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules, after ~~[consultation with]~~ notifying the commission, that establish curriculum standards for a comprehensive off-highway vehicle safety education and training program and shall implement this program.

(b) The program shall be designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of an off-highway vehicle.

(c) Components of the program shall include the preparation and dissemination of off-highway vehicle information and safety advice to the public and the training of off-highway vehicle operators.

(d) Off-highway vehicle safety certificates shall be issued to those who successfully complete training or pass the knowledge and skills test established under the program.

(2) The division shall cooperate with appropriate private organizations and associations, private and public corporations, and local government units to implement the program established under this section.



(3) In addition to the governmental immunity granted in Title 63G, Chapter 7, Governmental Immunity Act of Utah, the state is immune from suit for any act, or failure to act, in any capacity relating to the off-highway vehicle safety education and training program. The state is also not responsible for any insufficiency or inadequacy in the quality of training provided by this program.

Section 30. Section **41-22-33** is amended to read:

**41-22-33. Fees for safety and education program -- Penalty -- Unlawful acts.**

(1) A fee set by the division, after ~~[consultation with]~~ notifying the commission, in accordance with Section **63J-1-504** shall be added to the registration fee required to register an off-highway vehicle under Section **41-22-8** to help fund the off-highway vehicle safety and education program.

(2) If the division modifies the fee under Subsection (1), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the division provides the State Tax Commission:

- (a) notice from the division stating that the division will modify the fee; and
- (b) a copy of the fee modification.

Section 31. Section **41-22-35** is amended to read:

**41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent issuance of decal -- Deposit and use of fee revenue.**

(1) (a) Except as provided in Subsection (1)(b), any person owning or operating a nonresident off-highway vehicle who operates or gives another person permission to operate the nonresident off-highway vehicle on any public land, trail, street, or highway in this state shall:

- (i) apply for an off-highway vehicle decal issued exclusively for an off-highway vehicle owned by a nonresident of the state;
- (ii) pay an annual off-highway vehicle user fee; and
- (iii) provide evidence that the owner is a nonresident.

(b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the off-highway vehicle is:

- (i) used exclusively as an off-highway implement of husbandry;
- (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a



public or private entity or another event sponsored by a governmental entity under rules made by the division, after ~~[consultation with]~~ notifying the commission;

(iii) owned and operated by a state government agency and the operation of the off-highway vehicle within the boundaries of the state is within the course and scope of the duties of the agency; or

(iv) used exclusively for the purpose of an off-highway vehicle manufacturer sponsored event within the state under rules made by the division.

(2) The off-highway vehicle user fee is \$30.

(3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:

(a) receive a nonresident off-highway vehicle user decal indicating compliance with the provisions of Subsection (1)(a); and

(b) display the decal on the off-highway vehicle in accordance with rules made by the division.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, after ~~[consultation with]~~ notifying the commission, shall make rules establishing:

(a) procedures for:

(i) the payment of off-highway vehicle user fees; and

(ii) the display of a decal on an off-highway vehicle as required under Subsection

(3)(b);

(b) acceptable evidence indicating compliance with Subsection (1);

(c) eligibility for scheduled competitive events or other events under Subsection (1)(b)(ii); and

(d) eligibility for an off-highway vehicle manufacturer sponsored event under Subsection (1)(b)(iv).

(5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle user fee may be collected by the division or agents of the division.

(b) An agent shall retain 10% of all off-highway vehicle user fees collected.

(c) The division may require agents to obtain a bond in a reasonable amount.

(d) On or before the tenth day of each month, each agent shall:

(i) report all sales to the division; and

(ii) submit all off-highway vehicle user fees collected less the remuneration provided in

1514 Subsection (5)(b).

1515 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%  
1516 of the amount due.

1517 (ii) Delinquent payments shall bear interest at the rate of 1% per month.

1518 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess  
1519 a penalty of 100% of the total amount due together with interest.

1520 (f) All fees collected by an agent, except the remuneration provided in Subsection  
1521 (5)(b), shall:

1522 (i) be kept separate and apart from the private funds of the agent; and

1523 (ii) belong to the state.

1524 (g) An agent may not issue an off-highway vehicle user decal to any person unless the  
1525 person furnishes evidence of compliance with the provisions of Subsection (1)(a).

1526 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and  
1527 may be cause for revocation of the agent authorization.

1528 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the  
1529 Off-highway Vehicle Account created in Section [41-22-19](#).

1530 Section 32. Section **53-2a-1102** is amended to read:

1531 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**

1532 **Rulemaking -- Distribution.**

1533 (1) As used in this section:

1534 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card  
1535 Program created within this section.

1536 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a  
1537 participant.

1538 (c) "Participant" means an individual, family, or group who is registered pursuant to  
1539 this section as having a valid card at the time search, rescue, or both are provided.

1540 (d) "Program" means the Search and Rescue Financial Assistance Program created  
1541 within this section.

1542 (e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to  
1543 search and rescue activities.

1544 (ii) "Reimbursable base expenses" include:

1545 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;  
1546 (B) replacement and upgrade of search and rescue equipment;  
1547 (C) training of search and rescue volunteers;  
1548 (D) costs of providing life insurance and workers' compensation benefits for volunteer  
1549 search and rescue team members under Section 67-20-7.5; and  
1550 (E) any other equipment or expenses necessary or appropriate for conducting search  
1551 and rescue activities.

1552 (iii) "Reimbursable base expenses" do not include any salary or overtime paid to an  
1553 individual on a regular or permanent payroll, including permanent part-time employees of any  
1554 agency of the state.

1555 (f) "Rescue" means search services, rescue services, or both search and rescue services.  
1556 (2) There is created the Search and Rescue Financial Assistance Program within the  
1557 division.

1558 (3) (a) The financial program and the assistance card program shall be funded from the  
1559 following revenue sources:

1560 (i) any voluntary contributions to the state received for search and rescue operations;  
1561 (ii) money received by the state under Subsection (11) and under Sections 23-19-42,  
1562 41-22-34, and 73-18-24;  
1563 (iii) money deposited under Subsection 59-12-103(14);  
1564 (iv) contributions deposited in accordance with Section 41-1a-230.7; and  
1565 (v) appropriations made to the program by the Legislature.

1566 (b) ~~[All money]~~ Money received from the revenue sources in Subsections (3)(a)(i), (ii),  
1567 and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the  
1568 General Fund as a dedicated credit to be used solely for the program.

1569 (c) ~~[10%]~~ Ten percent of the money described in Subsection (3)(a)(iii) shall be  
1570 deposited into the General Fund as a dedicated credit to be used solely to promote the  
1571 assistance card program.

1572 (d) ~~[All funding]~~ Funding for the program is nonlapsing.

1573 (4) Subject to Subsections (3)(b) and (c), the director shall use the money described in  
1574 this section to reimburse counties for all or a portion of each county's reimbursable base  
1575 expenses for search and rescue operations, subject to:

1576 (a) the approval of the Search and Rescue Advisory Board as provided in Section  
1577 53-2a-1104;

1578 (b) money available in the program; and

1579 (c) rules made under Subsection (7).

1580 (5) Money described in Subsection (3) may not be used to reimburse for any paid  
1581 personnel costs or paid man hours spent in emergency response and search and rescue related  
1582 activities.

1583 (6) The Legislature finds that these funds are for a general and statewide public  
1584 purpose.

1585 (7) The division, with the approval of the Search and Rescue Advisory Board, shall  
1586 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
1587 consistent with this section:

1588 (a) specifying the costs that qualify as reimbursable base expenses;

1589 (b) defining the procedures of counties to submit expenses and be reimbursed;

1590 (c) defining a participant in the assistance card program, including:

1591 (i) individuals; and

1592 (ii) families and organized groups who qualify as participants;

1593 (d) defining the procedure for issuing a card to a participant;

1594 (e) defining excluded expenses that may not be reimbursed under the program,  
1595 including medical expenses;

1596 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card  
1597 Program;

1598 (g) establishing the frequency of review of the fee schedule;

1599 (h) providing for the administration of the program; and

1600 (i) providing a formula to govern the distribution of available money among the  
1601 counties for uncompensated search and rescue expenses based on:

1602 (i) the total qualifying expenses submitted;

1603 (ii) the number of search and rescue incidents per county population;

1604 (iii) the number of victims that reside outside the county; and

1605 (iv) the number of volunteer hours spent in each county in emergency response and  
1606 search and rescue related activities per county population.

(8) (a) The division shall, in consultation with the [~~Outdoor Recreation Office~~]  
Division of Outdoor Recreation, establish the fee schedule of the Utah Search and Rescue  
Assistance Card Program under Subsection 63J-1-504(6).

(b) The division shall provide a discount of not less than 10% of the card fee under  
Subsection (8)(a) to a person who has paid a fee under Section 23-19-42, 41-22-34, or  
73-18-24 during the same calendar year in which the person applies to be a participant in the  
assistance card program.

(9) Counties may not bill reimbursable base expenses to an individual for costs  
incurred for the rescue of an individual, if the individual is a current participant in the Utah  
Search and Rescue Assistance Card Program at the time of rescue, unless:

(a) the rescuing county finds that the participant acted recklessly in creating a situation  
resulting in the need for the county to provide rescue services; or

(b) the rescuing county finds that the participant intentionally created a situation  
resulting in the need for the county to provide rescue services.

(10) (a) There is created the Utah Search and Rescue Assistance Card Program. The  
program is located within the division.

(b) The program may not be [~~utilized~~] used to cover any expenses, such as medically  
related expenses, that are not reimbursable base expenses related to the rescue.

(11) (a) To participate in the program, a person shall purchase a search and rescue  
assistance card from the division by paying the fee as determined by the division in Subsection  
(8).

(b) The money generated by the fees shall be deposited into the General Fund as a  
dedicated credit for the Search and Rescue Financial Assistance Program created in this  
section.

(c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34,  
and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the [~~Outdoor Recreation Office~~] Division of  
Outdoor Recreation regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance

Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Section 33. Section 57-14-204 is amended to read:

**57-14-204. Liability not limited where willful or malicious conduct involved or admission fee charged.**

(1) Nothing in this part limits any liability that otherwise exists for:

(a) willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity;

(b) deliberate, willful, or malicious injury to persons or property; or

(c) an injury suffered where the owner of land charges a person to enter or go on the land or use the land for any recreational purpose.

(2) For purposes of Subsection (1)(c), if the land is leased to the state or a subdivision of the state, any consideration received by the owner for the lease is not a charge within the meaning of this section.

(3) Any person who hunts upon a cooperative wildlife management unit, as authorized by Title 23, Chapter 23, Cooperative Wildlife Management Units, is not considered to have paid a fee within the meaning of this section.

(4) Owners of a dam or reservoir who allow recreational use of the dam or reservoir and its surrounding area and do not themselves charge a fee for that use, are considered not to have charged for that use within the meaning of Subsection (1)(c), even if the user pays a fee to the Division of State Parks or the Division of Outdoor Recreation for the use of the services and facilities at that dam or reservoir.

(5) The state or a subdivision of the state that owns property purchased for a railway corridor is considered not to have charged for use of the railway corridor within the meaning of Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car that crosses or travels over the railway corridor of the state or a subdivision of the state:

(a) allows recreational use of the railway corridor and its surrounding area; and

(b) does not charge a fee for that use.

Section 34. Section 59-13-201 is amended to read:

**59-13-201. Rate -- Tax basis -- Exemptions -- Revenue deposited into the Transportation Fund -- Restricted account for boating uses -- Refunds -- Reduction of tax**

1669 **in limited circumstances.**

1670 (1) (a) Subject to the provisions of this section and except as provided in Subsection  
1671 (1)(e), a tax is imposed at the rate of 16.5% of the statewide average rack price of a gallon of  
1672 motor fuel per gallon upon all motor fuel that is sold, used, or received for sale or used in this  
1673 state.

1674 (b) (i) Until December 31, 2018, and subject to the requirements under Subsection  
1675 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall  
1676 be determined by calculating the previous fiscal year statewide average rack price of a gallon of  
1677 regular unleaded motor fuel, excluding federal and state excise taxes, for the 12 months ending  
1678 on the previous June 30 as published by an oil pricing service.

1679 (ii) Beginning on January 1, 2019, and subject to the requirements under Subsection  
1680 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection (1)(a) shall  
1681 be determined by calculating the previous three fiscal years statewide average rack price of a  
1682 gallon of regular unleaded motor fuel, excluding federal and state excise taxes, for the 36  
1683 months ending on the previous June 30 as published by an oil pricing service.

1684 (c) (i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack  
1685 price of a gallon of motor fuel determined under Subsection (1)(b) may not be less than \$1.78  
1686 per gallon.

1687 (ii) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust  
1688 the minimum statewide average rack price of a gallon of motor fuel described in Subsection  
1689 (1)(c)(i) by taking the minimum statewide average rack price of a gallon of motor fuel for the  
1690 previous calendar year and adding an amount equal to the greater of:

1691 (A) an amount calculated by multiplying the minimum statewide average rack price of  
1692 a gallon of motor fuel for the previous calendar year by the actual percent change during the  
1693 previous fiscal year in the Consumer Price Index; and

1694 (B) 0.

1695 (iii) The statewide average rack price of a gallon of motor fuel determined by the  
1696 commission under Subsection (1)(b) may not exceed \$2.43 per gallon.

1697 (iv) The minimum statewide average rack price of a gallon of motor fuel described and  
1698 adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum statewide average  
1699 rack price of a gallon of motor fuel under Subsection (1)(c)(iii).

1700 (d) (i) The commission shall annually:  
1701 (A) determine the statewide average rack price of a gallon of motor fuel in accordance  
1702 with Subsections (1)(b) and (c);  
1703 (B) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the nearest  
1704 one-tenth of a cent, based on the determination under Subsection (1)(b);  
1705 (C) publish the adjusted fuel tax as a cents per gallon rate; and  
1706 (D) post or otherwise make public the adjusted fuel tax rate as determined in  
1707 Subsection (1)(d)(i)(B) no later than 60 days ~~[prior to]~~ before the annual effective date under  
1708 Subsection (1)(d)(ii).  
1709 (ii) The tax rate imposed under this Subsection (1) and adjusted as required under  
1710 Subsection (1)(d)(i) shall take effect on January 1 of each year.  
1711 (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of  
1712 this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection (1)(a),  
1713 rounded up to the nearest penny, upon all motor fuels that meet the definition of clean fuel in  
1714 Section 59-13-102 and are sold, used, or received for sale or use in this state.  
1715 (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the  
1716 state or sold at refineries in the state on or after the effective date of the rate change.  
1717 (3) (a) No motor fuel tax is imposed upon:  
1718 (i) motor fuel that is brought into and sold in this state in original packages as purely  
1719 interstate commerce sales;  
1720 (ii) motor fuel that is exported from this state if proof of actual exportation on forms  
1721 prescribed by the commission is made within 180 days after exportation;  
1722 (iii) motor fuel or components of motor fuel that is sold and used in this state and  
1723 distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons located in  
1724 this state; or  
1725 (iv) motor fuel that is sold to the United States government, this state, or the political  
1726 subdivisions of this state.  
1727 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1728 commission shall make rules governing the procedures for administering the tax exemption  
1729 provided under Subsection (3)(a)(iv).  
1730 (4) The commission may either collect no tax on motor fuel exported from the state or,



upon application, refund the tax paid.

(5) (a) All revenue received by the commission under this part shall be deposited daily with the state treasurer and credited to the Transportation Fund.

(b) An appropriation from the Transportation Fund shall be made to the commission to cover expenses incurred in the administration and enforcement of this part and the collection of the motor fuel tax.

(6) (a) The commission shall determine what amount of motor fuel tax revenue is received from the sale or use of motor fuel used in motorboats registered under ~~[the provisions of the]~~ Title 73, Chapter 18, State Boating Act, and this amount shall be deposited ~~[in]~~ into a restricted revenue account in the General Fund of the state.

(b) The funds from this account shall be used for the construction, improvement, operation, and maintenance of state-owned boating facilities and for the payment of the costs and expenses of the Division of Outdoor Recreation in administering and enforcing ~~[the]~~ Title 73, Chapter 18, State Boating Act.

(7) (a) The United States government or any of its instrumentalities, this state, or a political subdivision of this state that has purchased motor fuel from a licensed distributor or from a retail dealer of motor fuel and has paid the tax on the motor fuel as provided in this section is entitled to a refund of the tax and may file with the commission for a quarterly refund.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules governing the application and refund provided for in Subsection (7)(a).

(8) (a) The commission shall refund annually into the ~~[Off-Highway]~~ Off-highway Vehicle Account in the General Fund an amount equal to .5% of the motor fuel tax revenues collected under this section.

(b) This amount shall be used as provided in Section [41-22-19](#).

(9) (a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that is sold, used, or received for sale or use in this state is reduced to the extent provided in Subsection (9)(b) if:

(i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor fuel is paid to the Navajo Nation;

1762 (ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether or  
1763 not the person required to pay the tax is an enrolled member of the Navajo Nation; and

1764 (iii) the commission and the Navajo Nation execute and maintain an agreement as  
1765 provided in this Subsection (9) for the administration of the reduction of tax.

1766 (b) (i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this  
1767 section:

1768 (A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that  
1769 difference is greater than \$0; and

1770 (B) a person may not require the state to provide a refund, a credit, or similar tax relief  
1771 if the difference described in Subsection (9)(b)(ii) is less than or equal to \$0.

1772 (ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:

1773 (A) the amount of tax imposed on the motor fuel by this section; less

1774 (B) the tax imposed and collected by the Navajo Nation on the motor fuel.

1775 (c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under  
1776 a tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or use of  
1777 motor fuel does not include any interest or penalties a taxpayer may be required to pay to the  
1778 Navajo Nation.

1779 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1780 commission shall make rules governing the procedures for administering the reduction of tax  
1781 provided under this Subsection (9).

1782 (e) The agreement required under Subsection (9)(a):

1783 (i) may not:

1784 (A) authorize the state to impose a tax in addition to a tax imposed under this chapter;

1785 (B) provide a reduction of taxes greater than or different from the reduction described  
1786 in this Subsection (9); or

1787 (C) affect the power of the state to establish rates of taxation;

1788 (ii) shall:

1789 (A) be in writing;

1790 (B) be signed by:

1791 (I) the chair of the commission or the chair's designee; and

1792 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;

1793 (C) be conditioned on obtaining any approval required by federal law;  
1794 (D) state the effective date of the agreement; and  
1795 (E) state any accommodation the Navajo Nation makes related to the construction and  
1796 maintenance of state highways and other infrastructure within the Utah portion of the Navajo  
1797 Nation; and  
1798 (iii) may:  
1799 (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the  
1800 Navajo Nation information that is:  
1801 (I) contained in a document filed with the commission; and  
1802 (II) related to the tax imposed under this section;  
1803 (B) provide for maintaining records by the commission or the Navajo Nation; or  
1804 (C) provide for inspections or audits of distributors, carriers, or retailers located or  
1805 doing business within the Utah portion of the Navajo Nation.  
1806 (f) (i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax  
1807 imposed on motor fuel, any change in the reduction of taxes under this Subsection (9) as a  
1808 result of the change in the tax rate is not effective until the first day of the calendar quarter after  
1809 a 60-day period beginning on the date the commission receives notice:  
1810 (A) from the Navajo Nation; and  
1811 (B) meeting the requirements of Subsection (9)(f)(ii).  
1812 (ii) The notice described in Subsection (9)(f)(i) shall state:  
1813 (A) that the Navajo Nation has changed or will change the tax rate of a tax imposed on  
1814 motor fuel;  
1815 (B) the effective date of the rate change of the tax described in Subsection (9)(f)(ii)(A);  
1816 and  
1817 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).  
1818 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not  
1819 permitted under this Subsection (9) beginning on the first day of the calendar quarter after a  
1820 30-day period beginning on the day the agreement terminates.  
1821 (h) If there is a conflict between this Subsection (9) and the agreement required by  
1822 Subsection (9)(a), this Subsection (9) governs.  
1823 Section 35. Section 59-21-2 is amended to read:

**59-21-2. Mineral Bonus Account created -- Contents -- Use of Mineral Bonus Account money -- Mineral Lease Account created -- Contents -- Appropriation of money from Mineral Lease Account.**

(1) (a) There is created a restricted account within the General Fund known as the "Mineral Bonus Account."

(b) The Mineral Bonus Account consists of federal mineral lease bonus payments deposited pursuant to Subsection 59-21-1(3).

(c) The Legislature shall make appropriations from the Mineral Bonus Account in accordance with Section 35 of the Mineral Lands Leasing Act of 1920, 30 U.S.C. Sec. 191.

(d) The state treasurer shall:

(i) invest the money in the Mineral Bonus Account by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

(ii) deposit all interest or other earnings derived from the account into the Mineral Bonus Account.

(e) The Division of Finance shall, beginning on July 1, 2017, annually deposit 30% of mineral lease bonus payments deposited under Subsection (1)(b) from the previous fiscal year into the Wildland Fire Suppression Fund created in Section 65A-8-204, up to \$2,000,000 but not to exceed 20% of the amount expended in the previous fiscal year from the Wildland Fire Suppression Fund.

(2) (a) There is created a restricted account within the General Fund known as the "Mineral Lease Account."

(b) The Mineral Lease Account consists of federal mineral lease money deposited pursuant to Subsection 59-21-1(1).

(c) The Legislature shall make appropriations from the Mineral Lease Account as provided in Subsection 59-21-1(1) and this Subsection (2).

(d) (i) Except as provided in Subsections (2)(d)(ii) and (iii), the Legislature shall annually appropriate 32.5% of all deposits made to the Mineral Lease Account to the Permanent Community Impact Fund established by Section 35A-8-303.

(ii) For fiscal year 2016-17 only and from the amount required to be deposited under Subsection (2)(d)(i), the Legislature shall appropriate \$26,000,000 of the deposits made to the Mineral Lease Account to the Impacted Communities Transportation Development Restricted

1855 Account established by Section 72-2-128.

1856 (iii) For fiscal year 2017-18 only and from the amount required to be deposited under  
1857 Subsection (2)(d)(i), the Legislature shall appropriate \$27,000,000 of the deposits made to the  
1858 Mineral Lease Account to the Impacted Communities Transportation Development Restricted  
1859 Account established by Section 72-2-128.

1860 (e) The Legislature shall annually appropriate 2.25% of all deposits made to the  
1861 Mineral Lease Account to the State Board of Education, to be used for education research and  
1862 experimentation in the use of staff and facilities designed to improve the quality of education in  
1863 Utah.

1864 (f) The Legislature shall annually appropriate 2.25% of all deposits made to the  
1865 Mineral Lease Account to the Utah Geological Survey, to be used for activities carried on by  
1866 the survey having as a purpose the development and exploitation of natural resources in the  
1867 state.

1868 (g) The Legislature shall annually appropriate 2.25% of all deposits made to the  
1869 Mineral Lease Account to the Water Research Laboratory at Utah State University, to be used  
1870 for activities carried on by the laboratory having as a purpose the development and exploitation  
1871 of water resources in the state.

1872 (h) (i) The Legislature shall annually appropriate to the Division of Finance 40% of all  
1873 deposits made to the Mineral Lease Account to be distributed as provided in Subsection  
1874 (2)(h)(ii) to:

1875 (A) counties;

1876 (B) special service districts established:

1877 (I) by counties;

1878 (II) under Title 17D, Chapter 1, Special Service District Act; and

1879 (III) for the purpose of constructing, repairing, or maintaining roads; or

1880 (C) special service districts established:

1881 (I) by counties;

1882 (II) under Title 17D, Chapter 1, Special Service District Act; and

1883 (III) for other purposes authorized by statute.

1884 (ii) The Division of Finance shall allocate the funds specified in Subsection (2)(h)(i):

1885 (A) in amounts proportionate to the amount of mineral lease money generated by each

1886 county; and

1887 (B) to a county or special service district established by a county under Title 17D,

1888 Chapter 1, Special Service District Act, as determined by the county legislative body.

1889 (i) (i) The Legislature shall annually appropriate 5% of all deposits made to the

1890 Mineral Lease Account to the Department of Workforce Services to be distributed to:

1891 (A) special service districts established:

1892 (I) by counties;

1893 (II) under Title 17D, Chapter 1, Special Service District Act; and

1894 (III) for the purpose of constructing, repairing, or maintaining roads; or

1895 (B) special service districts established:

1896 (I) by counties;

1897 (II) under Title 17D, Chapter 1, Special Service District Act; and

1898 (III) for other purposes authorized by statute.

1899 (ii) The Department of Workforce Services may distribute the amounts described in

1900 Subsection (2)(i)(i) only to special service districts established under Title 17D, Chapter 1,

1901 Special Service District Act, by counties:

1902 (A) of the third, fourth, fifth, or sixth class;

1903 (B) in which 4.5% or less of the mineral lease money within the state is generated; and

1904 (C) that are significantly socially or economically impacted as provided in Subsection

1905 (2)(i)(iii) by the development of minerals under the Mineral Lands Leasing Act, 30 U.S.C. Sec.

1906 181 et seq.

1907 (iii) The significant social or economic impact required under Subsection (2)(i)(ii)(C)

1908 shall be as a result of:

1909 (A) the transportation within the county of hydrocarbons, including solid hydrocarbons

1910 as defined in Section [59-5-101](#);

1911 (B) the employment of persons residing within the county in hydrocarbon extraction,

1912 including the extraction of solid hydrocarbons as defined in Section [59-5-101](#); or

1913 (C) a combination of Subsections (2)(i)(iii)(A) and (B).

1914 (iv) For purposes of distributing the appropriations under this Subsection (2)(i) to

1915 special service districts established by counties under Title 17D, Chapter 1, Special Service

1916 District Act, the Department of Workforce Services shall:

(A) (I) allocate 50% of the appropriations equally among the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

(II) allocate 50% of the appropriations based on the ratio that the population of each county meeting the requirements of Subsections (2)(i)(ii) and (iii) bears to the total population of all of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii); and

(B) after making the allocations described in Subsection (2)(i)(iv)(A), distribute the allocated revenues to special service districts established by the counties under Title 17D, Chapter 1, Special Service District Act, as determined by the executive director of the Department of Workforce Services after consulting with the county legislative bodies of the counties meeting the requirements of Subsections (2)(i)(ii) and (iii).

(v) The executive director of the Department of Workforce Services:

(A) shall determine whether a county meets the requirements of Subsections (2)(i)(ii) and (iii);

(B) shall distribute the appropriations under Subsection (2)(i)(i) to special service districts established by counties under Title 17D, Chapter 1, Special Service District Act, that meet the requirements of Subsections (2)(i)(ii) and (iii); and

(C) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, may make rules:

(I) providing a procedure for making the distributions under this Subsection (2)(i) to special service districts; and

(II) defining the term "population" for purposes of Subsection (2)(i)(iv).

(j) (i) The Legislature shall annually make the following appropriations from the Mineral Lease Account:

(A) an amount equal to 52 cents multiplied by the number of acres of school or institutional trust lands, lands owned by the Division of State Parks or the Division of Outdoor Recreation, and lands owned by the Division of Wildlife Resources that are not under an in lieu of taxes contract, to each county in which those lands are located;

(B) to each county in which school or institutional trust lands are transferred to the federal government after December 31, 1992, an amount equal to the number of transferred acres in the county multiplied by a payment per acre equal to the difference between 52 cents per acre and the per acre payment made to that county in the most recent payment under the

1948 federal payment in lieu of taxes program, 31 U.S.C. Sec. 6901 et seq., unless the federal  
1949 payment was equal to or exceeded the 52 cents per acre, in which case a payment under this  
1950 Subsection (2)(j)(i)(B) may not be made for the transferred lands;

1951 (C) to each county in which federal lands, which are entitlement lands under the federal  
1952 in lieu of taxes program, are transferred to the school or institutional trust, an amount equal to  
1953 the number of transferred acres in the county multiplied by a payment per acre equal to the  
1954 difference between the most recent per acre payment made under the federal payment in lieu of  
1955 taxes program and 52 cents per acre, unless the federal payment was equal to or less than 52  
1956 cents per acre, in which case a payment under this Subsection (2)(j)(i)(C) may not be made for  
1957 the transferred land; and

1958 (D) to a county of the fifth or sixth class, an amount equal to the product of:

1959 (I) \$1,000; and

1960 (II) the number of residences described in Subsection (2)(j)(iv) that are located within  
1961 the county.

1962 (ii) A county receiving money under Subsection (2)(j)(i) may, as determined by the  
1963 county legislative body, distribute the money or a portion of the money to:

1964 (A) special service districts established by the county under Title 17D, Chapter 1,  
1965 Special Service District Act;

1966 (B) school districts; or

1967 (C) public institutions of higher education.

1968 (iii) (A) Beginning in fiscal year 1994-95 and in each year after fiscal year 1994-95, the  
1969 Division of Finance shall increase or decrease the amounts per acre provided for in Subsections  
1970 (2)(j)(i)(A) through (C) by the average annual change in the Consumer Price Index for all urban  
1971 consumers published by the Department of Labor.

1972 (B) For fiscal years beginning on or after fiscal year 2001-02, the Division of Finance  
1973 shall increase or decrease the amount described in Subsection (2)(j)(i)(D)(I) by the average  
1974 annual change in the Consumer Price Index for all urban consumers published by the  
1975 Department of Labor.

1976 (iv) Residences for purposes of Subsection (2)(j)(i)(D)(II) are residences that are:

1977 (A) owned by:

1978 (I) the Division of State Parks ~~or~~;



1979            (II) the Division of Outdoor Recreation; or  
1980            [~~(H)~~] (III) the Division of Wildlife Resources;  
1981            (B) located on lands that are owned by:  
1982            (I) the Division of State Parks [~~or~~];  
1983            (II) the Division of Outdoor Recreation; or  
1984            [~~(H)~~] (III) the Division of Wildlife Resources; and  
1985            (C) are not subject to taxation under:  
1986            (I) Chapter 2, Property Tax Act; or  
1987            (II) Chapter 4, Privilege Tax.

1988            (k) The Legislature shall annually appropriate to the Permanent Community Impact  
1989 Fund all deposits remaining in the Mineral Lease Account after making the appropriations  
1990 provided for in Subsections (2)(d) through (j).

1991            (3) (a) Each agency, board, institution of higher education, and political subdivision  
1992 receiving money under this chapter shall provide the Legislature, through the Office of the  
1993 Legislative Fiscal Analyst, with a complete accounting of the use of that money on an annual  
1994 basis.

1995            (b) The accounting required under Subsection (3)(a) shall:

1996            (i) include actual expenditures for the prior fiscal year, budgeted expenditures for the  
1997 current fiscal year, and planned expenditures for the following fiscal year; and

1998            (ii) be reviewed by the Business, Economic Development, and Labor Appropriations  
1999 Subcommittee as part of its normal budgetary process under Title 63J, Chapter 1, Budgetary  
2000 Procedures Act.

2001            Section 36. Section **59-28-103** is amended to read:

2002            **59-28-103. Imposition -- Rate -- Revenue distribution.**

2003            (1) Subject to the other provisions of this chapter, the state shall impose a tax on the  
2004 transactions described in Subsection **59-12-103(1)(i)** at a rate of .32%.

2005            (2) The tax imposed under this chapter is in addition to any other taxes imposed on the  
2006 transactions described in Subsection **59-12-103(1)(i)**.

2007            (3) (a) (i) Subject to Subsection (3)(a)(ii), the commission shall deposit 6% of the  
2008 revenue the state collects from the tax under this chapter into the Hospitality and Tourism  
2009 Management Education Account created in Section **53F-9-501** to fund the Hospitality and

2010 Tourism Management Career and Technical Education Pilot Program created in Section  
2011 [53E-3-515](#).

2012 (ii) The commission may not deposit more than \$300,000 into the Hospitality and  
2013 Tourism Management Education Account under Subsection (3)(a)(i) in a fiscal year.

2014 (b) Except for the amount deposited into the Hospitality and Tourism Management  
2015 Education Account under Subsection (3)(a) and the administrative charge retained under  
2016 Subsection [59-28-104](#)(4), the commission shall deposit any revenue the state collects from the  
2017 tax under this chapter into the Outdoor Recreation Infrastructure Account created in Section  
2018 [79-8-106](#) to fund the Outdoor Recreational Infrastructure Grant Program created in Section  
2019 ~~[63N-9-202]~~ [79-8-401](#) and the Recreation Restoration Infrastructure Grant Program created in  
2020 Section [79-8-202](#).

2021 Section 37. Section **63C-21-201** is amended to read:

2022 **63C-21-201. Outdoor Adventure Commission created.**

2023 (1) There is created the Outdoor Adventure Commission consisting of the following  
2024 ~~[15]~~ 14 members:

2025 (a) one member of the Senate, appointed by the president of the Senate;

2026 (b) one member of the House of Representatives, appointed by the speaker of the  
2027 House of Representatives;

2028 ~~[(c) the director of the Utah Office of Outdoor Recreation, or the director's designee;]~~

2029 ~~[(d)]~~ (c) the managing director of the Utah Office of Tourism, or the managing  
2030 director's designee;

2031 ~~[(e)]~~ (d) the director of the Division of Outdoor Recreation, or the director's designee;

2032 ~~[(f)]~~ (e) the director of the School and Institutional Trust Lands Administration, or the  
2033 director's designee;

2034 ~~[(g)]~~ (f) the coordinator of the Off-Highway Vehicle ~~[and Recreational Trails]~~ Program  
2035 within the Division of Outdoor Recreation;

2036 ~~[(h)]~~ (g) a representative of the agriculture industry appointed jointly by the president  
2037 of the Senate and the speaker of the House of Representatives;

2038 ~~[(i)]~~ (h) a representative of the natural resources development industry appointed  
2039 jointly by the president of the Senate and the speaker of the House of Representatives;

2040 ~~[(j)]~~ (i) one representative of the Utah League of Cities and Towns appointed by the

2041 Utah League of Cities and Towns;

2042 ~~[(k)]~~ (i) one representative of the Utah Association of Counties appointed by the Utah  
2043 Association of Counties;

2044 ~~[(j)]~~ (k) one individual appointed jointly by the Utah League of Cities and Towns and  
2045 the Utah Association of Counties;

2046 ~~[(m)]~~ (l) a representative of conservation interests appointed jointly by the president of  
2047 the Senate and the speaker of the House of Representatives;

2048 ~~[(n)]~~ (m) a representative of the outdoor recreation industry appointed jointly by the  
2049 president of the Senate and the speaker of the House of Representatives; and

2050 ~~[(o)]~~ (n) the coordinator of the boating program within the Division of Outdoor  
2051 Recreation.

2052 (2) The commission shall annually select one of ~~[its]~~ the commission's members to be  
2053 the chair of the commission.

2054 (3) (a) If a vacancy occurs in the membership of the commission appointed under  
2055 Subsection (1)(a) or (b), or Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m), the member  
2056 shall be replaced in the same manner in which the original appointment was made.

2057 (b) A member appointed under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m)  
2058 shall serve a term of four years and until the member's successor is appointed and qualified.

2059 (c) Notwithstanding the requirements of Subsection (3)(b), for members appointed  
2060 under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m), the division shall, at the time of  
2061 appointment or reappointment, adjust the length of terms to ensure that the terms of  
2062 commission members are staggered so that approximately half of the commission members  
2063 appointed under Subsections ~~[(1)(h) through (n)]~~ (1)(g) through (m) are appointed every two  
2064 years.

2065 (d) An individual may be appointed to more than one term.

2066 (4) (a) Eight commission members constitutes a quorum.

2067 (b) The action of a majority of a quorum constitutes an action of the commission.

2068 (5) (a) The salary and expenses of a commission member who is a legislator shall be  
2069 paid in accordance with Section 36-2-2, Legislative Joint Rules, Title 5, Chapter 2, Lodging,  
2070 Meal, and Transportation Expenses, and Legislative Joint Rules, Title 5, Chapter 3, Legislator  
2071 Compensation.

(b) A commission member who is not a legislator may not receive compensation or benefits for the member's service on the commission, but may receive per diem and reimbursement for travel expenses incurred as a commission member at the rates established by the Division of Finance under:

- (i) Sections 63A-3-106 and 63A-3-107; and
- (ii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(6) The Department of Transportation shall serve as a technical advisor to the commission.

(7) The Division of Outdoor Recreation, created in Section 79-7-201, shall provide staff support to the commission.

Section 38. Section 63C-21-202 is amended to read:

**63C-21-202. Strategic plan -- Commission powers and duties -- Consultant -- Reports.**

(1) (a) The commission shall gather information on recreation assets from state and local agencies and other sources and develop a strategic plan aimed at meeting the future needs of outdoor recreation within the state to enhance the quality of life of Utah residents. Asset lists received from state and local agencies shall include:

(i) common data points, to be established by the [~~Office of Outdoor Recreation~~] Division of Outdoor Recreation that can be uniformly compared with other recreation assets within the state, such as asset type, size, unique characteristics, vegetation, land ownership, and similar items;

- (ii) any specific needs, challenges, or limitations on recreation use of the assets; and
- (iii) a ranking of potential enhancements to the assets related to recreation use.

(b) The strategic plan shall address:

- (i) outdoor recreation as a major contributor to residents' quality of life;
- (ii) the needs and impacts of residents who engage in outdoor recreation;
- (iii) the impact on local communities related to outdoor recreation, including the costs associated with emergency services and infrastructure;
- (iv) outdoor recreation as a means to retain and attract an exceptional workforce to provide for a sustainable economy;

2103 (v) impacts to the environment, wildlife, and natural resources and measures to  
2104 preserve the natural beauty of the state as more people engage in outdoor recreation;  
2105 (vi) identify opportunities for sustainable revenue sources to provide for maintenance  
2106 and future needs;  
2107 (vii) the interface with public lands that are federally managed and private lands; and  
2108 (viii) other items determined by the commission.  
2109 (2) The commission shall:  
2110 (a) engage one or more consultants to:  
2111 (i) manage the strategic planning process in accordance with Subsection (3); and  
2112 (ii) conduct analytical work in accordance with Subsection (3);  
2113 (b) guide the analytical work of a consultant described in Subsection (2)(a) and review  
2114 the results of the work;  
2115 (c) coordinate with a consultant described in Subsection (2)(a) to engage in a process  
2116 and create a strategic plan;  
2117 (d) conduct regional meetings to gather stakeholder input during the strategic planning  
2118 process;  
2119 (e) seek input from federal entities including the United States Department of the  
2120 Interior, the United States Department of Agriculture, and Utah's congressional delegation; and  
2121 (f) produce a final report including a strategic plan and any recommendations.  
2122 (3) The commission, by contract with a consultant engaged under Subsection (2)(a),  
2123 shall direct the consultant to:  
2124 (a) conduct an inventory of existing outdoor recreation resources, programs, and  
2125 information;  
2126 (b) conduct an analysis of what is needed to develop and implement an effective  
2127 outdoor recreation strategy aimed at enhancing the quality of life of Utah residents;  
2128 (c) collect and analyze data related to the future projected conditions of the outdoor  
2129 recreation resources, programs, and information, including the affordability and financing of  
2130 outdoor recreation;  
2131 (d) develop alternatives to the projection described in Subsection (3)(c) by modeling  
2132 potential changes to the outdoor recreation industry and economic growth;  
2133 (e) in coordination with the commission, engage in extensive local stakeholder

2134 involvement to better understand the needs of, concerns of, and opportunities for different  
2135 communities and outdoor recreation user types;

2136 (f) recommend accountability or performance measures to assess the effectiveness of  
2137 the outdoor recreation system;

2138 (g) based on the data described in this Subsection (3), make comparisons between  
2139 outdoor recreation in Utah and outdoor recreation in other states or countries;

2140 (h) in coordination with the commission, conduct the regional meetings described in  
2141 Subsection (2)(d) to share information and seek input from a range of stakeholders;

2142 (i) recommend changes to the governance system for outdoor recreation that would  
2143 facilitate implementation of the strategic plan;

2144 (j) engage in any other data collection or analysis requested by the commission; and

2145 (k) produce for the commission:

2146 (i) a draft report of findings, observations, and strategic priorities, including:

2147 (A) a statewide vision and strategy for outdoor recreation;

2148 (B) a strategy for how to meaningfully engage stakeholders throughout the state;

2149 (C) funding needs related to outdoor recreation; and

2150 (D) recommendations for the steps the state should take to implement a statewide  
2151 vision and strategy for outdoor recreation; and

2152 (ii) a final report, incorporating feedback from the commission on the draft report  
2153 described in Subsection (3)(k)(i), regarding the future of the outdoor recreation in the state.

2154 ~~[(4) The commission shall consult with the Division of Recreation as provided by~~  
2155 ~~statute.]~~

2156 Section 39. Section **63I-1-241** is amended to read:

2157 **63I-1-241. Repeal dates, Title 41.**

2158 (1) Subsection **41-1a-1201**(9), related to the Spinal Cord and Brain Injury  
2159 Rehabilitation Fund, is repealed January 1, 2025.

2160 (2) Section **41-3-106**, which creates an advisory board related to motor vehicle  
2161 business regulation, is repealed July 1, 2024.

2162 (3) The following subsections addressing lane filtering are repealed on July 1, 2022:

2163 (a) Subsection **41-6a-102**(30) that defines "lane filtering";

2164 (b) Subsection **41-6a-704**(5); and

- 2165 (c) Subsection 41-6a-710(1)(c).
- 2166 (4) Subsection 41-6a-1406(6)(b)(iii), related to the Spinal Cord and Brain Injury
- 2167 Rehabilitation Fund, is repealed January 1, 2025.
- 2168 (5) Subsections 41-22-2(1) and 41-22-10(1)(a), which [~~create the Off-highway Vehicle~~
- 2169 ~~Advisory Council~~] authorize an advisory council that includes in the advisory council's duties
- 2170 addressing off-highway vehicle issues, are repealed July 1, 2027.
- 2171 (6) Subsection 41-22-8(3), related to the Spinal Cord and Brain Injury Rehabilitation
- 2172 Fund, is repealed January 1, 2025.
- 2173 Section 40. Section 63I-1-263 is amended to read:
- 2174 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 2175 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 2176 (a) Section 63A-16-102 is repealed;
- 2177 (b) Section 63A-16-201 is repealed; and
- 2178 (c) Section 63A-16-202 is repealed.
- 2179 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
- 2180 improvement funding, is repealed July 1, 2024.
- 2181 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
- 2182 2023.
- 2183 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
- 2184 Committee, are repealed July 1, 2023.
- 2185 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 2186 1, 2028.
- 2187 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 2188 2025.
- 2189 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 2190 2024.
- 2191 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
- 2192 repealed July 1, 2023.
- 2193 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
- 2194 July 1, 2023.
- 2195 (10) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is

2196 repealed July 1, 2026.

2197 (11) Title 63A, Chapter 16, Part 7, Data Security Management Council, is repealed  
2198 July 1, 2025.

2199 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities  
2200 Advisory Board, is repealed July 1, 2026.

2201 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
2202 2025.

2203 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
2204 2024.

2205 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

2206 (16) Subsection [63J-1-602.1](#)(17), Nurse Home Visiting Restricted Account is repealed  
2207 July 1, 2026.

2208 (17) (a) Subsection [63J-1-602.1](#)(61), relating to the Utah Statewide Radio System  
2209 Restricted Account, is repealed July 1, 2022.

2210 (b) When repealing Subsection [63J-1-602.1](#)(61), the Office of Legislative Research and  
2211 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make  
2212 necessary changes to subsection numbering and cross references.

2213 (18) Subsection [63J-1-602.2](#)~~[(5)]~~[(4)], referring to dedicated credits to the Utah Marriage  
2214 Commission, is repealed July 1, 2023.

2215 (19) Subsection [63J-1-602.2](#)~~[(6)]~~[(5)], referring to the Trip Reduction Program, is  
2216 repealed July 1, 2022.

2217 (20) Subsection [63J-1-602.2](#)~~[(24)]~~[(23)], related to the Utah Seismic Safety  
2218 Commission, is repealed January 1, 2025.

2219 (21) [~~Title 63J, Chapter 4, Part 5~~] Title 63L, Chapter 11, Part 4, Resource  
2220 Development Coordinating Committee, is repealed July 1, 2027.

2221 (22) In relation to the advisory committee created in Subsection [63L-11-305](#)(3), on July  
2222 1, 2022:

2223 (a) Subsection [63L-11-305](#)(1)(a), which defines "advisory committee," is repealed; and

2224 (b) Subsection [63L-11-305](#)(3), which creates the advisory committee, is repealed.

2225 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on  
2226 January 1, 2023:



- 2227 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are  
2228 repealed;
- 2229 (b) Section 63M-7-305, the language that states "council" is replaced with  
2230 "commission";
- 2231 (c) Subsection 63M-7-305(1) is repealed and replaced with:  
2232 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and  
2233 (d) Subsection 63M-7-305(2) is repealed and replaced with:  
2234 "(2) The commission shall:  
2235 (a) provide ongoing oversight of the implementation, functions, and evaluation of the  
2236 Drug-Related Offenses Reform Act; and  
2237 (b) coordinate the implementation of Section 77-18-104 and related provisions in  
2238 Subsections 77-18-103(2)(c) and (d).".
- 2239 (24) The Crime Victim Reparations and Assistance Board, created in Section  
2240 63M-7-504, is repealed July 1, 2027.
- 2241 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July  
2242 1, 2022.
- 2243 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2026.
- 2244 (27) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating  
2245 Council, is repealed July 1, 2024.
- 2246 (28) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 2247 (29) Section 63N-2-512, related to the Hotel Impact Mitigation Fund, is repealed July  
2248 1, 2028.
- 2249 (30) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
2250 January 1, 2021.
- 2251 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for  
2252 calendar years beginning on or after January 1, 2021.
- 2253 (c) Notwithstanding Subsection (30)(b), an entity may carry forward a tax credit in  
2254 accordance with Section 59-9-107 if:  
2255 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
2256 31, 2020; and  
2257 (ii) the qualified equity investment that is the basis of the tax credit is certified under

2258 Section [63N-2-603](#) on or before December 31, 2023.

2259 (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
2260 July 1, 2023.

2261 (32) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,  
2262 2025.

2263 ~~[(33) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,~~  
2264 ~~is repealed January 1, 2028.]~~

2265 Section 41. Section **63I-1-273** is amended to read:

2266 **63I-1-273. Repeal dates, Title 73.**

2267 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed  
2268 January 1, 2031.

2269 (2) Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, is repealed July 1,  
2270 2025.

2271 (3) Section [73-18-3.5](#), which ~~[creates the Boating Advisory Council]~~ authorizes the  
2272 Division of Outdoor Recreation to appoint an advisory council that includes in the advisory  
2273 council's duties advising on boating policies, is repealed July 1, 2024.

2274 (4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,  
2275 2027.

2276 (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:

2277 (a) Subsection [73-1-4\(2\)\(e\)\(xi\)](#) is repealed;

2278 (b) Subsection [73-10-4\(1\)\(h\)](#) is repealed; and

2279 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

2280 Section 42. Section **63I-1-279** is amended to read:

2281 **63I-1-279. Repeal dates, Title 79.**

2282 (1) Subsection [79-2-201\(2\)\(~~t~~\)\(p\)](#), related to the Heritage Trees Advisory Committee,  
2283 is repealed July 1, 2026.

2284 (2) Subsection [79-2-201\(2\)\(~~s~~\)\(q\)](#), related to the ~~[Recreational Trails Advisory~~  
2285 ~~Council]~~ Utah Outdoor Recreation Infrastructure Advisory Committee, is repealed July 1,  
2286 2027.

2287 (3) Subsection [79-2-201\(2\)\(~~t~~\)\(r\)\(i\)](#), related to ~~[the Boating Advisory Council]~~ an  
2288 advisory council created by the Division of Outdoor Recreation to advise on boating policies, is

2289 repealed July 1, 2024.

2290 (4) Subsection 79-2-201(2)[(tt)](s), related to the Wildlife Board Nominating  
2291 Committee, is repealed July 1, 2023.

2292 (5) Subsection 79-2-201(2)[(v)](t), related to regional advisory councils for the  
2293 Wildlife Board, is repealed July 1, 2023.

2294 ~~[(6) Title 79, Chapter 5, Part 2, Advisory Council, which creates the Recreational~~  
2295 ~~Trails Advisory Council, is repealed July 1, 2027.]~~

2296 (6) Section 79-7-206, creating the Utah Outdoor Recreation Infrastructure Advisory  
2297 Committee, is repealed July 1, 2027.

2298 (7) Title 79, Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant Program, is  
2299 repealed January 1, 2028.

2300 Section 43. Section **63I-2-204** is amended to read:

2301 **63I-2-204. Repeal dates -- Title 4.**

2302 (1) Title 4, Chapter 2, Part 6, Local Food Advisory Council, is repealed November 30,  
2303 2022.

2304 (2) Section 4-46-104, Transition, is repealed July 1, 2024.

2305 Section 44. Section **63I-2-279** is amended to read:

2306 **63I-2-279. Repeal dates, Title 79.**

2307 (1) Section 79-2-206, Transition, is repealed July 1, [2022] 2024.

2308 (2) Title 79, Chapter 6, Part 8, Voluntary Home Energy Information Pilot Program Act,  
2309 is repealed January 1, 2022.

2310 Section 45. Section **63J-1-601** is amended to read:

2311 **63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed**  
2312 **out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing**  
2313 **accounts and funds -- Institutions of higher education to report unexpended balances.**

2314 (1) As used in this section:

2315 (a) "Education grant subrecipient" means a nonfederal entity that:

2316 (i) receives a subaward from the State Board of Education to carry out at least part of a  
2317 federal or state grant program; and

2318 (ii) does not include an individual who is a beneficiary of the federal or state grant  
2319 program.

(b) "Transaction control number" means the unique numerical identifier established by the Department of Health to track each medical claim and indicates the date on which the claim is entered.

(2) On or before August 31 of each fiscal year, the director of the Division of Finance shall close out to the proper fund or account all remaining unexpended and unencumbered balances of appropriations made by the Legislature, except:

(a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act, as:

(i) enterprise funds;

(ii) internal service funds;

(iii) trust and agency funds;

(iv) capital projects funds;

(v) discrete component unit funds;

(vi) debt service funds; and

(vii) permanent funds;

(b) those appropriations from a fund or account or appropriations to a program that are designated as nonlapsing under Section 63J-1-602.1 or 63J-1-602.2;

(c) expendable special revenue funds, unless specifically directed to close out the fund in the fund's enabling legislation;

(d) acquisition and development funds appropriated to the Division of State Parks or the Division of Outdoor Recreation;

(e) funds encumbered to pay purchase orders issued [~~prior to~~] before May 1 for capital equipment if delivery is expected before June 30; and

(f) unexpended and unencumbered balances of appropriations that meet the requirements of Section 63J-1-603.

(3) (a) Liabilities and related expenses for goods and services received on or before June 30 shall be recognized as expenses due and payable from appropriations made [~~prior to~~] before June 30.

(b) The liability and related expense shall be recognized within time periods established by the Division of Finance but shall be recognized not later than August 31.

(c) Liabilities and expenses not so recognized may be paid from regular departmental appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and

2351 unencumbered balances of appropriations for the years in which the obligation was incurred.

2352 (d) ~~[No amounts may]~~ Amounts may not be transferred from an item of appropriation  
2353 of any department, institution, or agency into the Capital Projects Fund or any other fund  
2354 without the prior express approval of the Legislature.

2355 (4) (a) For purposes of this chapter, a claim processed under the authority of Title 26,  
2356 Chapter 18, Medical Assistance Act:

2357 (i) is not a liability or an expense to the state for budgetary purposes, unless the  
2358 Division of Health Care Financing receives the claim within the time periods established by the  
2359 Division of Finance under Subsection (3)(b); and

2360 (ii) is not subject to Subsection (3)(c).

2361 (b) The transaction control number that the Division of Health Care Financing records  
2362 on each claim invoice is the date of receipt.

2363 (5) (a) For purposes of this chapter, a claim processed in accordance with Title 35A,  
2364 Chapter 13, Utah State Office of Rehabilitation Act:

2365 (i) is not a liability or an expense to the state for budgetary purposes, unless the Utah  
2366 State Office of Rehabilitation receives the claim within the time periods established by the  
2367 Division of Finance under Subsection (3)(b); and

2368 (ii) is not subject to Subsection (3)(c).

2369 (b) (i) The Utah State Office of Rehabilitation shall mark each claim invoice with the  
2370 date on which the Utah State Office of Rehabilitation receives the claim invoice.

2371 (ii) The date described in Subsection (5)(b)(i) is the date of receipt for purposes of this  
2372 section.

2373 (6) (a) For purposes of this chapter, a reimbursement request received from an  
2374 education grant subrecipient:

2375 (i) is not a liability or expense to the state for budgetary purposes, unless the State  
2376 Board of Education receives the claim within the time periods described in Subsection (3)(b);  
2377 and

2378 (ii) is not subject to Subsection (3)(c).

2379 (b) The transaction control number that the State Board of Education records on a  
2380 claim invoice is the date of receipt.

2381 (7) Any balance from an appropriation to a state institution of higher education that

remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by the September 1 following the close of the fiscal year.

Section 46. Section **63J-1-602.2** is amended to read:

**63J-1-602.2. List of nonlapsing appropriations to programs.**

Appropriations made to the following programs are nonlapsing:

(1) The Legislature and the Legislature's committees.

(2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section [53F-9-103](#).

(3) The Percent-for-Art Program created in Section [9-6-404](#).

(4) The LeRay McAllister Critical Land Conservation Program created in Section ~~[11-38-301]~~ [4-46-301](#).

(5) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection [17-16-21](#)(2)(d)(ii).

(6) The Trip Reduction Program created in Section [19-2a-104](#).

(7) The Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section [23-21a-6](#).

(8) The emergency medical services grant program in Section [26-8a-207](#).

(9) The primary care grant program created in Section [26-10b-102](#).

(10) Sanctions collected as dedicated credits from Medicaid provider under Subsection [26-18-3](#)(7).

(11) The Utah Health Care Workforce Financial Assistance Program created in Section [26-46-102](#).

(12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).

(13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).

(14) Funds that the Department of Alcoholic Beverage Control retains in accordance with Subsection [32B-2-301](#) (9)(a) or (b).

(15) The General Assistance program administered by the Department of Workforce Services, as provided in Section [35A-3-401](#).

(16) The Utah National Guard, created in Title 39, Militia and Armories.

(17) The State Tax Commission under Section [41-1a-1201](#) for the:

- 2413 (a) purchase and distribution of license plates and decals; and  
2414 (b) administration and enforcement of motor vehicle registration requirements.
- 2415 (18) The Search and Rescue Financial Assistance Program, as provided in Section  
2416 53-2a-1102.
- 2417 (19) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 2418 (20) The Utah Board of Higher Education for teacher preparation programs, as  
2419 provided in Section 53B-6-104.
- 2420 (21) The Medical Education Program administered by the Medical Education Council,  
2421 as provided in Section 53B-24-202.
- 2422 (22) The Division of Services for People with Disabilities, as provided in Section  
2423 62A-5-102.
- 2424 (23) The Division of Fleet Operations for the purpose of upgrading underground  
2425 storage tanks under Section 63A-9-401.
- 2426 (24) The Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- 2427 (25) Appropriations to the Division of Technology Services for technology innovation  
2428 as provided under Section 63A-16-903.
- 2429 (26) The Office of Administrative Rules for publishing, as provided in Section  
2430 63G-3-402.
- 2431 (27) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,  
2432 Colorado River Authority of Utah Act.
- 2433 (28) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,  
2434 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 2435 (29) Appropriations to fund the Governor's Office of Economic Opportunity's Rural  
2436 Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural  
2437 Employment Expansion Program.
- 2438 (30) Appropriations to fund programs for the Jordan River Recreation Area as  
2439 described in Section 65A-2-8.
- 2440 (31) The Division of Human Resource Management user training program, as provided  
2441 in Section 63A-17-106.
- 2442 (32) A public safety answering point's emergency telecommunications service fund, as  
2443 provided in Section 69-2-301.

2444 (33) The Traffic Noise Abatement Program created in Section 72-6-112.  
 2445 (34) The money appropriated from the Navajo Water Rights Negotiation Account to  
 2446 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a  
 2447 settlement of federal reserved water right claims.

2448 (35) The Judicial Council for compensation for special prosecutors, as provided in  
 2449 Section 77-10a-19.

2450 (36) A state rehabilitative employment program, as provided in Section 78A-6-210.

2451 (37) The Utah Geological Survey, as provided in Section 79-3-401.

2452 (38) The Bonneville Shoreline Trail Program created under Section 79-5-503.

2453 (39) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and  
 2454 78B-6-144.5.

2455 (40) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
 2456 Defense Commission.

2457 (41) The program established by the Division of Facilities Construction and  
 2458 Management under Section 63A-5b-703 under which state agencies receive an appropriation  
 2459 and pay lease payments for the use and occupancy of buildings owned by the Division of  
 2460 Facilities Construction and Management.

2461 Section 47. Section 63L-7-104 is amended to read:

2462 **63L-7-104. Identification of a potential wilderness area.**

2463 (1) (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the  
 2464 acquisition date, shall identify within a parcel of acquired land any conservation areas.

2465 (b) Before identifying a parcel of land as a conservation area, the director of PLPCO  
 2466 shall:

2467 (i) inform the School and Institutional Trust Lands Administration that a parcel is  
 2468 being considered for designation as a conservation area; and

2469 (ii) provide the School and Institutional Trust Lands Administration with the  
 2470 opportunity to trade out land owned by the School and Institutional Trust Lands Administration  
 2471 for the parcel in question subject to reaching an exchange agreement with the agency that  
 2472 manages the parcel.

2473 (2) The director of PLPCO shall:

2474 (a) file a map and legal description of each identified conservation area with the



2475 governor, the Senate, and the House of Representatives;

2476 (b) maintain, and make available to the public, records pertaining to identified

2477 conservation areas, including:

2478 (i) maps;

2479 (ii) legal descriptions;

2480 (iii) copies of proposed regulations governing the conservation area; and

2481 (iv) copies of public notices of, and reports submitted to the Legislature, regarding

2482 pending additions, eliminations, or modifications to a conservation area; and

2483 (c) within five years of the date of acquisition:

2484 (i) review each identified conservation area for its suitability to be classified as a

2485 protected wilderness area; and

2486 (ii) report the findings under Subsection (2)(c)(i) to the governor.

2487 (3) The records described in Subsection (2)(b) shall be available for inspection at:

2488 (a) the PLPCO office;

2489 (b) the main office of DNR;

2490 (c) a regional office of the Division of Forestry, Fire, and State Lands for any record

2491 that deals with an identified conservation area in that region; and

2492 (d) the Division of State Parks or the Division of Outdoor Recreation.

2493 (4) A conservation area may be designated as a protected wilderness area as described

2494 in Section 63L-7-105.

2495 (5) A conservation area identified under Subsection (1) shall be managed by DNR, in

2496 coordination with the county government having jurisdiction over the area, without the

2497 conservation area being designated as a protected wilderness area unless otherwise provided by

2498 the Legislature.

2499 Section 48. Section **63L-11-402** is amended to read:

2500 **63L-11-402. Membership -- Terms -- Chair -- Expenses.**

2501 (1) The Resource Development Coordinating Committee consists of the following [25]

2502 26 members:

2503 (a) the state science advisor;

2504 (b) a representative from the Department of Agriculture and Food appointed by the

2505 [~~executive director~~] commissioner of the Department of Agriculture and Food;

2506 (c) a representative from the Department of Cultural and Community Engagement  
2507 appointed by the executive director of the Department of Cultural and Community  
2508 Engagement;

2509 (d) a representative from the Department of Environmental Quality appointed by the  
2510 executive director of the Department of Environmental Quality;

2511 (e) a representative from the Department of Natural Resources appointed by the  
2512 executive director of the Department of Natural Resources;

2513 (f) a representative from the Department of Transportation appointed by the executive  
2514 director of the Department of Transportation;

2515 (g) a representative from the Governor's Office of Economic Opportunity appointed by  
2516 the director of the Governor's Office of Economic Opportunity;

2517 (h) a representative from the Housing and Community Development Division  
2518 appointed by the director of the Housing and Community Development Division;

2519 (i) a representative from the Division of State History appointed by the director of the  
2520 Division of State History;

2521 (j) a representative from the Division of Air Quality appointed by the director of the  
2522 Division of Air Quality;

2523 (k) a representative from the Division of Drinking Water appointed by the director of  
2524 the Division of Drinking Water;

2525 (l) a representative from the Division of Environmental Response and Remediation  
2526 appointed by the director of the Division of Environmental Response and Remediation;

2527 (m) a representative from the Division of Waste Management and Radiation Control  
2528 appointed by the director of the Division of Waste Management and Radiation Control;

2529 (n) a representative from the Division of Water Quality appointed by the director of the  
2530 Division of Water Quality;

2531 (o) a representative from the Division of Oil, Gas, and Mining appointed by the  
2532 director of the Division of Oil, Gas, and Mining;

2533 (p) a representative from the Division of Parks appointed by the director of the  
2534 Division of Parks;

2535 (q) a representative from the Division of Outdoor Recreation appointed by the director  
2536 of the Division of Outdoor Recreation;

(r) a representative from the Division of Forestry, Fire, and State Lands appointed by the director of the Division of Forestry, Fire, and State Lands;

(s) a representative from the Utah Geological Survey appointed by the director of the Utah Geological Survey;

(t) a representative from the Division of Water Resources appointed by the director of the Division of Water Resources;

(u) a representative from the Division of Water Rights appointed by the director of the Division of Water Rights;

(v) a representative from the Division of Wildlife Resources appointed by the director of the Division of Wildlife Resources;

(w) a representative from the School and Institutional Trust Lands Administration appointed by the director of the School and Institutional Trust Lands Administration;

(x) a representative from the Division of Facilities Construction and Management appointed by the director of the Division of Facilities Construction and Management; ~~and~~

(y) a representative from the Division of Emergency Management appointed by the director of the Division of Emergency Management~~[-]; and~~

(z) a representative from the Division of Conservation, created under Section [4-46-401](#), appointed by the director of the Division of Conservation.

(2) (a) As particular issues require, the coordinating committee may, by majority vote of the members present, appoint additional temporary members to serve as ex officio voting members.

(b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.

(3) A chair shall be selected by a ~~majority~~ vote of 14 committee members with the concurrence of the executive director.

(4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Sections [63A-3-106](#) and [63A-3-107](#); and

(b) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and [63A-3-107](#).

Section 49. Section ~~63N-3-602~~ is amended to read:

2568           **63N-3-602. Definitions.**

2569           As used in this part:

2570           (1) "Affordable housing" means ~~[the same as that term is defined in Section~~  
2571 ~~11-38-102]~~ housing occupied or reserved for occupancy by households with a gross household  
2572 income equal to or less than 80% of the median gross income of the applicable municipal or  
2573 county statistical area for households of the same size.

2574           (2) "Agency" means the same as that term is defined in Section 17C-1-102.

2575           (3) "Base taxable value" means a property's taxable value as shown upon the  
2576 assessment roll last equalized during the base year.

2577           (4) "Base year" means, for a proposed housing and transit reinvestment zone area, a  
2578 year determined by the last equalized tax roll before the adoption of the housing and transit  
2579 reinvestment zone.

2580           (5) (a) "Commuter rail" means a heavy-rail passenger rail transit facility operated by a  
2581 large public transit district.

2582           (b) "Commuter rail" does not include a light-rail passenger rail facility of a large public  
2583 transit district.

2584           (6) "Commuter rail station" means a station, stop, or terminal along an existing  
2585 commuter rail line, or along an extension to an existing commuter rail line or new commuter  
2586 rail line that is included in a metropolitan planning organization's adopted long-range  
2587 transportation plan.

2588           (7) "Dwelling unit" means one or more rooms arranged for the use of one or more  
2589 individuals living together, as a single housekeeping unit normally having cooking, living,  
2590 sanitary, and sleeping facilities.

2591           (8) "Enhanced development" means the construction of mixed uses including housing,  
2592 commercial uses, and related facilities, at an average density of 50 dwelling units or more per  
2593 acre on the developable acres.

2594           (9) "Enhanced development costs" means extra costs associated with structured  
2595 parking costs, vertical construction costs, horizontal construction costs, life safety costs,  
2596 structural costs, conveyor or elevator costs, and other costs incurred due to the increased height  
2597 of buildings or enhanced development.

2598           (10) "Horizontal construction costs" means the additional costs associated with

2599 earthwork, over excavation, utility work, transportation infrastructure, and landscaping to  
2600 achieve enhanced development in the housing and transit reinvestment zone.

2601 (11) "Housing and transit reinvestment zone" means a housing and transit reinvestment  
2602 zone created pursuant to this part.

2603 (12) "Housing and transit reinvestment zone committee" means a housing and transit  
2604 reinvestment zone committee created pursuant to Section 63N-3-605.

2605 (13) "Large public transit district" means the same as that term is defined in Section  
2606 17B-2a-802.

2607 (14) "Metropolitan planning organization" means the same as that term is defined in  
2608 Section 72-1-208.5.

2609 (15) "Mixed use development" means development with a mix of multi-family  
2610 residential use and at least one additional land use.

2611 (16) "Municipality" means the same as that term is defined in Section 10-1-104.

2612 (17) "Participant" means the same as that term is defined in Section 17C-1-102.

2613 (18) "Participation agreement" means the same as that term is defined in Section  
2614 17C-1-102.

2615 (19) "Public transit county" means a county that has created a small public transit  
2616 district.

2617 (20) "Public transit hub" means a public transit depot or station where four or more  
2618 routes serving separate parts of the county-created transit district stop to transfer riders between  
2619 routes.

2620 (21) "Sales and use tax base year" means a sales and use tax year determined by the  
2621 first year pertaining to the tax imposed in Section 59-12-103 after the sales and use tax  
2622 boundary for a housing and transit reinvestment zone is established.

2623 (22) "Sales and use tax boundary" means a boundary created as described in Section  
2624 63N-3-604, based on state sales and use tax collection that corresponds as closely as reasonably  
2625 practicable to the housing and transit reinvestment zone boundary.

2626 (23) "Sales and use tax increment" means the difference between:

2627 (a) the amount of state sales and use tax revenue generated each year following the  
2628 sales and use tax base year by the sales and use tax from the area within a housing and transit  
2629 reinvestment zone designated in the housing and transit reinvestment zone proposal as the area

2630 from which sales and use tax increment is to be collected; and

2631 (b) the amount of state sales and use tax revenue that was generated from that same  
2632 area during the sales and use tax base year.

2633 (24) "Sales and use tax revenue" means revenue that is generated from the tax imposed  
2634 under Section 59-12-103.

2635 (25) "Small public transit district" means the same as that term is defined in Section  
2636 17B-2a-802.

2637 (26) "Tax commission" means the State Tax Commission created in Section 59-1-201.

2638 (27) "Tax increment" means the difference between:

2639 (a) the amount of property tax revenue generated each tax year by a taxing entity from  
2640 the area within a housing and transit reinvestment zone designated in the housing and transit  
2641 reinvestment zone proposal as the area from which tax increment is to be collected, using the  
2642 current assessed value and each taxing entity's current certified tax rate as defined in Section  
2643 59-2-924; and

2644 (b) the amount of property tax revenue that would be generated from that same area  
2645 using the base taxable value and each taxing entity's current certified tax rate as defined in  
2646 Section 59-2-924.

2647 (28) "Taxing entity" means the same as that term is defined in Section 17C-1-102.

2648 (29) "Vertical construction costs" means the additional costs associated with  
2649 construction above four stories and structured parking to achieve enhanced development in the  
2650 housing and transit reinvestment zone.

2651 Section 50. Section 65A-3-1 is amended to read:

2652 **65A-3-1. Trespassing on state lands -- Penalties.**

2653 (1) As used in this section:

2654 (a) "Anchored" means the same as that term is defined in Section 73-18-2.

2655 (b) "Beached" means the same as that term is defined in Section 73-18-2.

2656 (c) "Motorboat" means the same as that term is defined in Section 73-18-2.

2657 (d) "Vessel" means the same as that term is defined in Section 73-18-2.

2658 (2) A person is guilty of a class B misdemeanor and liable for the civil damages  
2659 prescribed in Subsection (4) if, without written authorization from the division, the person:

2660 (a) removes, extracts, uses, consumes, or destroys any mineral resource, gravel, sand,

2661 soil, vegetation, or improvement on state lands;  
2662 (b) grazes livestock on state lands;  
2663 (c) uses, occupies, or constructs improvements or structures on state lands;  
2664 (d) uses or occupies state lands for more than 30 days after the cancellation or  
2665 expiration of written authorization;  
2666 (e) knowingly and willfully uses state lands for commercial gain;  
2667 (f) appropriates, alters, injures, or destroys any historical, prehistorical, archaeological,  
2668 or paleontological resource on state lands;  
2669 (g) starts or maintains a fire on state lands except in a posted and designated area;  
2670 (h) camps on state lands, except in posted or designated areas;  
2671 (i) camps on state lands for longer than 15 consecutive days at the same location or  
2672 within one mile of the same location;  
2673 (j) camps on state lands for 15 consecutive days, and then returns to camp at the same  
2674 location before 15 consecutive days have elapsed after the day on which the person left that  
2675 location;  
2676 (k) leaves an anchored or beached vessel unattended for longer than 48 hours on state  
2677 lands;  
2678 (l) anchors or beaches a vessel on state lands at the same location for longer than 72  
2679 hours or within two miles of the same location for longer than 72 hours;  
2680 (m) anchors or beaches a vessel on state lands at the same location for 72 hours, and  
2681 then returns to anchor or beach the vessel at the same location or within two miles of the same  
2682 location before 72 hours have elapsed after the day on which the person left that location;  
2683 (n) posts a sign claiming state land as private property;  
2684 (o) prohibits, prevents, or obstructs public entry to state land where public entry is  
2685 authorized by the division; or  
2686 (p) parks or operates a motor vehicle on the bed of a navigable lake or river except in  
2687 those areas:  
2688 (i) supervised by the Division of State Parks, the Division of Outdoor Recreation, or  
2689 another state or local enforcement entity; and  
2690 (ii) which are posted as open to vehicle use.  
2691 (3) A person is guilty of a class C misdemeanor and liable for civil damages described

2692 in Subsection (4) if, on state lands surrounding Bear Lake and without written authorization of  
2693 the division, the person:

- 2694 (a) parks or operates a motor vehicle in an area on the exposed lake bed that is  
2695 specifically posted by the division as closed for usage;  
2696 (b) camps, except in an area that is posted and designated as open to camping;  
2697 (c) exceeds a speed limit of 10 miles per hour while operating a motor vehicle;  
2698 (d) drives recklessly while operating a motor vehicle;  
2699 (e) parks or operates a motor vehicle within an area between the water's edge and 100

2700 feet of the water's edge except as necessary to:

- 2701 (i) launch or retrieve a motorboat, if the person is permitted to launch or retrieve a  
2702 motorboat;

2703 (ii) transport an individual with limited mobility; or

2704 (iii) deposit or retrieve equipment to a beach site;

2705 (f) travels in a motor vehicle parallel to the water's edge:

2706 (i) in areas designated by the division as closed;

2707 (ii) a distance greater than 500 yards; or

2708 (iii) for purposes other than travel to or from a beach site;

2709 (g) parks or operates a motor vehicle between the hours of 10 p.m. and 7 a.m.; or

2710 (h) starts a campfire or uses fireworks.

2711 (4) A person who commits any act described in Subsection (2) or (3) is liable for  
2712 damages in the amount of:

2713 (a) three times the value of the mineral or other resource removed, destroyed, or  
2714 extracted;

2715 (b) three times the value of damage committed; or

2716 (c) three times the consideration which would have been charged by the division for  
2717 use of the land during the period of trespass.

2718 (5) In addition to the damages described in Subsection (4), a person found guilty of a  
2719 misdemeanor under Subsection (2) or (3) is subject to the penalties provided in Section  
2720 [76-3-204](#).

2721 (6) Money collected under this section shall be deposited in the fund in which similar  
2722 revenues from that land would be deposited.



2723 Section 51. Section **65A-10-2** is amended to read:

2724 **65A-10-2. Recreational use of sovereign lands.**

2725 (1) The division, with the approval of the executive director of the Department of  
2726 Natural Resources and the governor, may set aside for public or recreational use any part of the  
2727 lands claimed by the state as the beds of lakes or streams.

2728 (2) Management of those lands may be delegated to the Division of State Parks, the  
2729 Division of Outdoor Recreation, the Division of Wildlife Resources, or any other state agency.

2730 Section 52. Section **72-11-204** is amended to read:

2731 **72-11-204. Vacancies -- Expenses -- Reimbursement -- Use of facilities of**  
2732 **Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

2733 (1) When a vacancy occurs in the membership for any reason, the replacement shall be  
2734 appointed for the unexpired term.

2735 (2) A member may not receive compensation or benefits for the member's service, but  
2736 may receive per diem and travel expenses in accordance with:

2737 (a) Section [63A-3-106](#);

2738 (b) Section [63A-3-107](#); and

2739 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
2740 [63A-3-107](#).

2741 (3) Reimbursement shall be made from fees collected by the committee for services  
2742 rendered by [it] the committee.

2743 (4) The Department of Transportation shall supply the committee with office  
2744 accommodation, space, equipment, and secretarial assistance the executive director considers  
2745 adequate for the committee.

2746 (5) In addition to the functions, powers, duties, rights, and responsibilities granted to  
2747 [it] the committee under this chapter, the committee shall assume and have all of the functions,  
2748 powers, duties, rights, and responsibilities of the Division of Outdoor Recreation in relation to  
2749 passenger ropeway systems pursuant to that chapter.

2750 Section 53. Section **73-3-31** is amended to read:

2751 **73-3-31. Water right for watering livestock on public land.**

2752 (1) As used in this section:

2753 (a) "Acquire" means to gain the right to use water through obtaining:

- 2754 (i) an approved application to appropriate water; or  
 2755 (ii) a perfected water right.
- 2756 (b) "Allotment" means a designated area of public land available for livestock grazing.
- 2757 (c) "Animal unit month (AUM)" is the amount of forage needed to sustain one cow and  
 2758 her calf, one horse, or five sheep and goats for one month.
- 2759 (d) (i) "Beneficial user" means the person that has the right to use the grazing permit.  
 2760 (ii) "Beneficial user" does not mean the public land agency issuing the grazing permit.
- 2761 (e) "Grazing permit" means a document authorizing livestock to graze on an allotment.
- 2762 (f) "Livestock" means a domestic animal raised or kept for profit or personal use.
- 2763 (g) "Livestock watering right" means a right for:  
 2764 (i) livestock to consume water:  
 2765 (A) directly from the water source located on public land; or  
 2766 (B) from an impoundment located on public land into which the water is diverted; and  
 2767 (ii) associated uses of water related to the raising and care of livestock on public land.
- 2768 (h) (i) "Public land" means land owned or managed by the United States or the state.  
 2769 (ii) "Public land" does not mean land owned by:  
 2770 (A) the Division of Wildlife Resources;  
 2771 (B) the School and Institutional Trust Lands Administration; ~~or~~  
 2772 (C) the Division of State Parks; or  
 2773 (D) the Division of Outdoor Recreation.
- 2774 (i) "Public land agency" means the agency that owns or manages the public land.
- 2775 (2) A public land agency may not:  
 2776 (a) condition the issuance, renewal, amendment, or extension of any permit, approval,  
 2777 license, allotment, easement, right-of-way, or other land use occupancy agreement regarding  
 2778 livestock on the transfer of any water right directly to the public land agency;
- 2779 (b) require any water user to apply for, or acquire a water right in the name of, the  
 2780 public land agency as a condition for the issuance, renewal, amendment, or extension of any  
 2781 permit, approval, license, allotment, easement, right-of-way, or other land use occupancy  
 2782 agreement regarding livestock; or
- 2783 (c) acquire a livestock watering right if the public land agency is not a beneficial user.
- 2784 (3) The state engineer may not approve a change application under Section 73-3-3 for a

2785 livestock watering right without the consent of the beneficial user.

2786 (4) A beneficial user may file a nonuse application under Section 73-1-4 on a livestock  
2787 watering right or a portion of a livestock watering right that the beneficial user puts to  
2788 beneficial use.

2789 (5) A livestock watering right is appurtenant to the allotment on which the livestock is  
2790 watered.

2791 (6) (a) (i) A beneficial user or a public land agency may file a request with the state  
2792 engineer for a livestock water use certificate.

2793 (ii) The state engineer shall:

2794 (A) provide the livestock water use certificate application form on the Internet; and

2795 (B) allow electronic submission of the livestock water use certificate application.

2796 (b) The state engineer shall grant a livestock water use certificate to a beneficial user if  
2797 the beneficial user:

2798 (i) demonstrates that the beneficial user has a right to use a grazing permit for the  
2799 allotment to which the livestock watering right is appurtenant; and

2800 (ii) pays the fee set in accordance with Section 73-2-14.

2801 (c) A livestock water use certificate is valid as long as the livestock watering right is:

2802 (i) held by a beneficial user who has the right to use the grazing permit and graze  
2803 livestock on the allotment;

2804 (ii) put to beneficial use within a seven-year time period; or

2805 (iii) subject to a nonuse application approved under Section 73-1-4.

2806 (7) A beneficial user may access or improve an allotment as necessary for the  
2807 beneficial user to beneficially use, develop, and maintain the beneficial user's water right  
2808 appurtenant to the allotment.

2809 (8) If a federal land management agency reduces livestock grazing AUMs on federal  
2810 grazing allotments, and the reduction results in the partial forfeiture of an appropriated water  
2811 right, the amount of water in question for nonuse as a livestock water right shall be held in trust  
2812 by the state engineer until such water may be appropriated for livestock watering, consistent  
2813 with this act and state law.

2814 (9) Nothing in this section affects a livestock watering right or a livestock water use  
2815 certificate held by a public land agency on May 13, 2014.

2816 Section 54. Section **73-18-2** is amended to read:

2817 **73-18-2. Definitions.**

2818 As used in this chapter:

2819 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a  
2820 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

2821 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a  
2822 waterbody.

2823 (3) "Boat livery" means a person that holds a vessel for renting or leasing.

2824 (4) "Carrying passengers for hire" means to transport persons on vessels or to lead  
2825 persons on vessels for consideration.

2826 (5) "Commission" means the Outdoor Adventure Commission.

2827 (6) "Consideration" means something of value given or done in exchange for  
2828 something given or done by another.

2829 (7) "Dealer" means any person who is licensed by the appropriate authority to engage  
2830 in and who is engaged in the business of buying and selling vessels or of manufacturing them  
2831 for sale.

2832 (8) "Derelict vessel":

2833 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a  
2834 wrecked, junked, or substantially dismantled condition; and

2835 (b) includes:

2836 (i) a vessel left at a Utah port or marina without consent of the agency or other entity  
2837 administering the port or marine area; and

2838 (ii) a vessel left docked or grounded upon a property without the property owner's  
2839 consent.

2840 (9) "Division" means the Division of Outdoor Recreation.

2841 (10) "Moored" means long term, on the water vessel storage in an area designated and  
2842 properly marked by the division or other applicable managing agency.

2843 (11) "Motorboat" means any vessel propelled by machinery, whether or not the  
2844 machinery is the principal source of propulsion.

2845 (12) "Operate" means to navigate, control, or otherwise use a vessel.

2846 (13) "Operator" means the person who is in control of a vessel while it is in use.

- 2847 (14) "Outfitting company" means any person who, for consideration:  
2848 (a) provides equipment to transport persons on all waters of this state; and  
2849 (b) supervises a person who:  
2850 (i) operates a vessel to transport passengers; or  
2851 (ii) leads a person on a vessel.
- 2852 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary  
2853 interest in or the title to a vessel.
- 2854 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an  
2855 interest by another person, reserved or created by agreement and securing payment or  
2856 performance of an obligation.
- 2857 (c) "Owner" does not include a lessee under a lease not intended as security.
- 2858 (16) "Personal watercraft" means a motorboat that is:  
2859 (a) less than 16 feet in length;  
2860 (b) propelled by a water jet pump; and  
2861 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel,  
2862 rather than sitting or standing inside the vessel.
- 2863 (17) "Racing shell" means a long, narrow watercraft:  
2864 (a) outfitted with long oars and sliding seats; and  
2865 (b) specifically designed for racing or exercise.
- 2866 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.
- 2867 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used  
2868 or capable of being used as a means of transportation on water.
- 2869 (20) "Wakeless speed" means an operating speed at which the vessel does not create or  
2870 make a wake or white water trailing the vessel. This speed is not in excess of five miles per  
2871 hour.
- 2872 (21) "Waters of this state" means any waters within the territorial limits of this state.
- 2873 Section 55. Section **73-18-3.5** is amended to read:
- 2874 **73-18-3.5. Advisory council.**
- 2875 The division, after ~~[consultation with]~~ notifying the commission, may appoint an  
2876 advisory council ~~[representing various]~~ that includes:
- 2877 (1) representation of boating interests ~~[to seek]~~; and

2878           (2) among the advisory council's duties, making recommendations on state boating  
2879 policies.

2880           Section 56. Section **73-18-4** is amended to read:

2881           **73-18-4. Division may make rules and set fees.**

2882           (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
2883 division, after [~~consultation with~~] notifying the commission, shall [~~promulgate~~] make rules:

2884           (a) creating a uniform waterway marking system which shall be obeyed by all vessel  
2885 operators;

2886           (b) regulating the placement of waterway markers and other permanent or anchored  
2887 objects on the waters of this state;

2888           (c) zoning certain waters of this state for the purpose of prohibiting the operation of  
2889 vessels or motors for safety and health purposes only;

2890           (d) regulating vessel operators who carry passengers for hire, boat liveries, and  
2891 outfitting companies; and

2892           (e) regulating anchored, beached, moored, or abandoned vessels to minimize health,  
2893 safety, and environmental concerns.

2894           (2) (a) The division, after [~~consultation with~~] notifying the commission, may set fees in  
2895 accordance with Section **63J-1-504** for:

2896           (i) licensing vessel operators who carry passengers for hire; and

2897           (ii) registering:

2898           (A) outfitting companies; and

2899           (B) boat liveries.

2900           (b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be  
2901 deposited into the Boating Account created in Section **73-18-22**.

2902           Section 57. Section **73-18-7** is amended to read:

2903           **73-18-7. Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

2904 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**  
2905 **of address -- Duplicate registration card -- Invalid registration -- Powers of division.**

2906           (1) (a) Except as provided by Section **73-18-9**, the owner of each motorboat and  
2907 sailboat on the waters of this state shall register it with the division as provided in this chapter.

2908           (b) A person may not place, give permission for the placement of, operate, or give

2909 permission for the operation of a motorboat or sailboat on the waters of this state, unless the  
2910 motorboat or sailboat is registered as provided in this chapter.

2911 (2) (a) The owner of a motorboat or sailboat required to be registered shall file an  
2912 application for registration with the division on forms approved by the division.

2913 (b) The owner of the motorboat or sailboat shall sign the application and pay the fee set  
2914 by the division, after ~~[consultation with]~~ notifying the commission, in accordance with Section  
2915 63J-1-504.

2916 (c) Before receiving a registration card and registration decals, the applicant shall  
2917 provide the division with a certificate from the county assessor of the county in which the  
2918 motorboat or sailboat has situs for taxation, stating that:

2919 (i) the property tax on the motorboat or sailboat for the current year has been paid;

2920 (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient  
2921 to secure the payment of the property tax; or

2922 (iii) the motorboat or sailboat is exempt by law from payment of property tax for the  
2923 current year.

2924 (d) If the division modifies the fee under Subsection (2)(b), the modification shall take  
2925 effect on the first day of the calendar quarter after 90 days from the day on which the division  
2926 provides the State Tax Commission:

2927 (i) notice from the division stating that the division will modify the fee; and

2928 (ii) a copy of the fee modification.

2929 (e) (i) The division may enter into an agreement with the Motor Vehicle Division  
2930 created in Section 41-1a-106 to administer the registration requirements described in this  
2931 chapter.

2932 (ii) An individual may request automatic registration renewal as described in Section  
2933 41-1a-216.

2934 (3) (a) Upon receipt of the application in the approved form, the division shall record  
2935 the receipt and issue to the applicant registration decals and a registration card that state the  
2936 number assigned to the motorboat or sailboat and the name and address of the owner.

2937 (b) The registration card shall be available for inspection on the motorboat or sailboat  
2938 for which it was issued, whenever that motorboat or sailboat is in operation.

2939 (4) The assigned number shall:

2940 (a) be painted or permanently attached to each side of the forward half of the motorboat  
2941 or sailboat;

2942 (b) consist of plain vertical block characters not less than three inches in height;

2943 (c) contrast with the color of the background and be distinctly visible and legible;

2944 (d) have spaces or hyphens equal to the width of a letter between the letter and numeral  
2945 groupings; and

2946 (e) read from left to right.

2947 (5) A motorboat or sailboat with a valid marine document issued by the United States  
2948 Coast Guard is exempt from the number display requirements of Subsection (4).

2949 (6) The nonresident owner of any motorboat or sailboat already covered by a valid  
2950 number that has been assigned to it according to federal law or a federally approved numbering  
2951 system of the owner's resident state is exempt from registration while operating the motorboat  
2952 or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity  
2953 period provided for in Subsection 73-18-9(1).

2954 (7) (a) If the ownership of a motorboat or sailboat changes, the new owner shall file a  
2955 new application form and fee with the division, and the division shall issue a new registration  
2956 card and registration decals in the same manner as provided for in Subsections (2) and (3).

2957 (b) The division shall reassign the current number assigned to the motorboat or sailboat  
2958 to the new owner to display on the motorboat or sailboat.

2959 (8) If the United States Coast Guard has in force an overall system of identification  
2960 numbering for motorboats or sailboats within the United States, the numbering system  
2961 employed under this chapter by the division shall conform with that system.

2962 (9) (a) The division may authorize any person to act as its agent for the registration of  
2963 motorboats and sailboats.

2964 (b) A number assigned, a registration card, and registration decals issued by an agent of  
2965 the division in conformity with this chapter and rules of the division are valid.

2966 (10) (a) The Motor Vehicle Division shall classify all records of the division made or  
2967 kept according to this section in the same manner that motor vehicle records are classified  
2968 under Section 41-1a-116.

2969 (b) Division records are available for inspection in the same manner as motor vehicle  
2970 records pursuant to Section 41-1a-116.



2971 (11) (a) (i) Each registration, registration card, and decal issued under this chapter shall  
2972 continue in effect for 12 months, beginning with the first day of the calendar month of  
2973 registration.

2974 (ii) A registration may be renewed by the owner in the same manner provided for in the  
2975 initial application.

2976 (iii) The division shall reassign the current number assigned to the motorboat or  
2977 sailboat when the registration is renewed.

2978 (b) Each registration, registration card, and registration decal expires the last day of the  
2979 month in the year following the calendar month of registration.

2980 (c) If the last day of the registration period falls on a day in which the appropriate state  
2981 or county offices are not open for business, the registration of the motorboat or sailboat is  
2982 extended to 12 midnight of the next business day.

2983 (d) The division may receive applications for registration renewal and issue new  
2984 registration cards at any time before the expiration of the registration, subject to the availability  
2985 of renewal materials.

2986 (e) The new registration shall retain the same expiration month as recorded on the  
2987 original registration even if the registration has expired.

2988 (f) The year of registration shall be changed to reflect the renewed registration period.

2989 (g) If the registration renewal application is an application generated by the division  
2990 through its automated system, the owner is not required to surrender the last registration card or  
2991 duplicate.

2992 (12) (a) An owner shall notify the division of:

2993 (i) the transfer of all or any part of the owner's interest, other than creation of a security  
2994 interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

2995 (ii) the destruction or abandonment of the owner's motorboat or sailboat.

2996 (b) Notification must take place within 15 days of the transfer, destruction, or  
2997 abandonment.

2998 (c) (i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates  
2999 its registration.

3000 (ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not  
3001 affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

3002 (13) (a) A registered owner shall notify the division within 15 days if the owner's  
3003 address changes from the address appearing on the registration card and shall, as a part of this  
3004 notification, furnish the division with the owner's new address.

3005 (b) The division may provide in the division's rules for:

3006 (i) the surrender of the registration card bearing the former address; and

3007 (ii) (A) the replacement of the card with a new registration card bearing the new  
3008 address; or

3009 (B) the alteration of an existing registration card to show the owner's new address.

3010 (14) (a) If a registration card is lost or stolen, the division may collect a fee of \$4 for  
3011 the issuance of a duplicate card.

3012 (b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the  
3013 issuance of a duplicate decal.

3014 (15) A number other than the number assigned to a motorboat or sailboat or a number  
3015 for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached,  
3016 or otherwise displayed on either side of the bow of a motorboat or sailboat.

3017 (16) A motorboat or sailboat registration and number are invalid if obtained by  
3018 knowingly falsifying an application for registration.

3019 (17) The division may designate the suffix to assigned numbers, and by following the  
3020 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
3021 make rules for:

3022 (a) the display of registration decals;

3023 (b) the issuance and display of dealer numbers and registrations; and

3024 (c) the issuance and display of temporary registrations.

3025 (18) A violation of this section is an infraction.

3026 Section 58. Section **73-18-8** is amended to read:

3027 **73-18-8. Safety equipment required to be on board vessels -- Penalties.**

3028 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person  
3029 on board, one wearable personal flotation device that is approved for the type of use by the  
3030 commandant of the United States Coast Guard.

3031 (b) Each personal flotation device shall be:

3032 (i) in serviceable condition;

- 3033 (ii) legally marked with the United States Coast Guard approval number; and  
3034 (iii) of an appropriate size for the person for whom it is intended.
- 3035 (c) (i) Sailboards and racing shells are exempt from the provisions of Subsections  
3036 (1)(a) and (e).
- 3037 (ii) The division, after ~~[consultation with]~~ notifying the commission, may exempt  
3038 certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or  
3039 upon certain waters.
- 3040 (d) The division may require by rule, after ~~[consultation with]~~ notifying the  
3041 commission, for personal flotation devices to be worn:
- 3042 (i) while a person is on board a certain type of vessel;  
3043 (ii) by a person under a certain age; or  
3044 (iii) on certain waters of the state.
- 3045 (e) For vessels 16 feet or more in length, there shall also be on board one throwable  
3046 personal flotation device which is approved for this use by the commandant of the United  
3047 States Coast Guard.
- 3048 (2) The operator of a vessel operated between sunset and sunrise shall display lighted  
3049 navigation lights approved by the division.
- 3050 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in  
3051 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or  
3052 mechanical ventilation system that is capable of removing resulting gases before and during the  
3053 time the vessel is occupied by any person.
- 3054 (4) Each vessel shall have fire extinguishing equipment on board.
- 3055 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame  
3056 control device.
- 3057 (6) The division may, after notifying the commission:
- 3058 (a) require additional safety equipment by rule ~~[made in consultation with the~~  
3059 ~~commission]~~; and
- 3060 (b) adopt rules conforming with the requirements of this section which govern  
3061 specifications for and the use of safety equipment.
- 3062 (7) A person may not operate or give permission for the operation of a vessel that is not  
3063 equipped as required by this section or rules promulgated under this section.

(8) A violation of this section is an infraction.

Section 59. Section **73-18-11** is amended to read:

**73-18-11. Regulation of muffling devices.**

The division, after ~~[consultation with]~~ notifying the commission, shall adopt rules for the regulating of muffling devices on all vessels.

Section 60. Section **73-18-13** is amended to read:

**73-18-13. Duties of operator involved in accident -- Notification and reporting procedures -- Use of accident reports -- Giving false information as misdemeanor.**

(1) As used in this section, "agent" has the same meaning as provided in Section [41-6a-404](#).

(2) (a) It is the duty of the operator of a vessel involved in an accident, if the operator can do so without seriously endangering the operator's own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable.

(b) The operator shall also give the operator's name, address, and identification of the operator's vessel in writing to:

(i) any person injured; or

(ii) the owner of any property damaged in the accident.

(c) A violation of this Subsection (2) is a class B misdemeanor.

(3) (a) The division, after ~~[consultation with]~~ notifying the commission, shall adopt rules governing the notification and reporting procedure for vessels involved in accidents.

(b) The rules shall be consistent with federal requirements.

(4) (a) Except as provided in Subsection (4)(b), all accident reports:

(i) are protected and shall be for the confidential use of the division or other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and

(ii) may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.

(b) The division shall disclose a written accident report and its accompanying data to:

(i) a person involved in the accident, excluding a witness to the accident;

(ii) a person suffering loss or injury in the accident;

(iii) an agent, parent, or legal guardian of a person described in Subsections (4)(b)(i)

3095 and (ii);  
3096 (iv) a member of the press or broadcast news media;  
3097 (v) a state, local, or federal agency that uses the records for official governmental,  
3098 investigative, or accident prevention purposes;  
3099 (vi) law enforcement personnel when acting in their official governmental capacity;  
3100 and  
3101 (vii) a licensed private investigator.  
3102 (c) Information provided to a member of the press or broadcast news media under  
3103 Subsection (4)(b)(iv) may only include:  
3104 (i) the name, age, sex, and city of residence of each person involved in the accident;  
3105 (ii) the make and model year of each vehicle involved in the accident;  
3106 (iii) whether or not each person involved in the accident was covered by a vehicle  
3107 insurance policy;  
3108 (iv) the location of the accident; and  
3109 (v) a description of the accident that excludes personal identifying information not  
3110 listed in Subsection (4)(c)(i).  
3111 (5) (a) Except as provided in Subsection (5)(c), an accident report may not be used as  
3112 evidence in any civil or criminal trial, arising out of an accident.  
3113 (b) Upon demand of any person who has, or claims to have, made the report, or upon  
3114 demand of any court, the division shall furnish a certificate showing that a specified accident  
3115 report has or has not been made to the division solely to prove a compliance or a failure to  
3116 comply with the requirement that a report be made to the division.  
3117 (c) Accident reports may be used as evidence when necessary to prosecute charges  
3118 filed in connection with a violation of Subsection (6).  
3119 (6) Any person who gives false information, knowingly or having reason to believe it is  
3120 false, in an oral or written report as required in this chapter, is guilty of a class B misdemeanor.  
3121 Section 61. Section **73-18-13.5** is amended to read:  
3122 **73-18-13.5. Motorboat accidents -- Investigation and report of operator security**  
3123 **-- Agency action if no security -- Surrender of registration materials.**  
3124 (1) Upon request of a peace officer investigating an accident involving a motorboat as  
3125 defined in Section **73-18c-102**, the operator of the motorboat shall provide evidence of the

owner's or operator's security required under Section 73-18c-301.

(2) The peace officer shall record on a form approved by the division:

(a) the information provided by the operator;

(b) whether the operator provided insufficient or no information; and

(c) whether the peace officer finds reasonable cause to believe that any information given is not correct.

(3) The peace officer shall deposit all completed forms with the peace officer's agency, which shall forward the forms to the division no later than 10 days after receipt.

(4) (a) The division shall revoke the registration of a motorboat as defined in Section 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the division compliance with the owner's or operator's security requirement of Section 73-18c-301 at the time of the accident.

(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

(5) A person may appeal a revocation issued under Subsection (4) in accordance with procedures established by the division, after ~~[consultation with]~~ notifying the commission, by rule that are consistent with Title 63G, Chapter 4, Administrative Procedures Act.

(6) (a) Any person whose registration is revoked under Subsection (4) shall return the registration card and decals for the motorboat to the division.

(b) If the person fails to return the registration materials as required, they shall be confiscated under Section 73-18-13.6.

(7) The division may, after ~~[consultation with]~~ notifying the commission, make rules for the enforcement of this section.

(8) In this section, "evidence of owner's or operator's security" includes any one of the following:

(a) the operator's:

(i) insurance policy;

(ii) binder notice;

(iii) renewal notice; or

(iv) card issued by an insurance company as evidence of insurance;

(b) a copy of a surety bond, certified by the surety, which conforms to Section 73-18c-102;

3157 (c) a certificate of the state treasurer issued under Section 73-18c-305; or

3158 (d) a certificate of self-funded coverage issued under Section 73-18c-306.

3159 Section 62. Section 73-18-15 is amended to read:

3160 **73-18-15. Division to adopt rules concerning water skiing and aquaplane riding**

3161 **and use of other devices towed behind a vessel.**

3162 The division, after ~~[consultation with]~~ notifying the commission, shall adopt rules for  
3163 the regulation and safety of water skiing and aquaplane riding, and the use of other devices that  
3164 are towed behind a vessel pursuant to this section and in accordance with Section 73-18-16.

3165 Section 63. Section 73-18-16 is amended to read:

3166 **73-18-16. Regattas, races, exhibitions -- Rules.**

3167 (1) The division may authorize the holding of regattas, motorboat or other boat races,  
3168 marine parades, tournaments, or exhibitions on any waters of this state.

3169 (2) The division, after ~~[consultation with]~~ notifying the commission, may adopt rules  
3170 concerning the safety of vessels and persons, either as observers or participants, that do not  
3171 conflict with the provisions of Subsections (3) and (4).

3172 (3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved  
3173 personal floatation device if the person is on an American Water Ski Association regulation  
3174 tournament slalom course and is:

3175 (a) engaged in barefoot water skiing;

3176 (b) water skiing in an American Water Ski Association regulation competition;

3177 (c) a performer participating in a professional exhibition or other tournament; or

3178 (d) practicing for an event described in Subsection (3)(b) or (c).

3179 (4) If a person is water skiing in an American Water Ski Association regulation  
3180 tournament slalom course, an observer and flag are not required if the vessel is:

3181 (a) equipped with a wide angle mirror with a viewing surface of at least 48 square  
3182 inches; and

3183 (b) operated by a person who is at least 18 years of age.

3184 (5) A violation of this section is an infraction.

3185 Section 64. Section 73-18a-1 is amended to read:

3186 **73-18a-1. Definitions.**

3187 As used in this chapter:

3188 (1) "Commission" means the Outdoor Adventure Commission.

3189 (2) "Division" means the Division of Outdoor Recreation.

3190 (3) "Human body waste" means excrement, feces, or other waste material discharged  
3191 from the human body.

3192 (4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage,  
3193 rubbish, or similar refuse discarded as no longer useful.

3194 (5) "Marine toilet" means any toilet or other receptacle permanently installed on or  
3195 within any vessel for the purpose of receiving human body waste. This term does not include  
3196 portable toilets which may be removed from a vessel in order to empty its contents.

3197 (6) "Operate" means to navigate, control, or otherwise use a vessel.

3198 (7) "Operator" means the person who is in control of a vessel while it is in use.

3199 (8) "Owner" means a person, other than a lien holder, holding a proprietary interest in  
3200 or the title to a vessel. The term does not include a lessee under a lease not intended as  
3201 security.

3202 (9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or  
3203 capable of being used as a means of transportation on water.

3204 (10) "Waters of this state" means all waters within the territorial limits of this state  
3205 except those used exclusively for private purposes.

3206 Section 65. Section **73-18a-4** is amended to read:

3207 **73-18a-4. Marine toilets -- Pollution control devices required -- Rules established**  
3208 **by division.**

3209 (1) Every marine toilet on a vessel used or operated upon the waters of this state shall  
3210 be equipped with an approved pollution control device in operative condition.

3211 (2) The division, after ~~[consultation with]~~ notifying the commission, shall make rules  
3212 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as provided in  
3213 this chapter, establishing criteria or standards for definition and approval of acceptable  
3214 pollution control devices for vessels.

3215 Section 66. Section **73-18a-5** is amended to read:

3216 **73-18a-5. Chemical treatment of marine toilet contents -- Rules established by**  
3217 **division and Department of Environmental Quality.**

3218 The division, after ~~[consultation with]~~ notifying the commission, shall establish by rule,



in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, with approval by the Department of Environmental Quality, as provided in this chapter, standards relating to chemical treatment of marine toilet contents.

Section 67. Section **73-18a-12** is amended to read:

**73-18a-12. Rules made -- Subject to approval by Department of Environmental Quality.**

The division, after ~~[consultation with]~~ notifying the commission, may ~~[promulgate]~~ make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which are necessary for the carrying out of duties, obligations, and powers conferred on the division by this chapter. These rules shall be subject to review and approval by the Department of Environmental Quality. This approval shall be recorded as part of the rules.

Section 68. Section **73-18b-1** is amended to read:

**73-18b-1. Water safety rules and regulations -- Adoption.**

(1) The Division of Outdoor Recreation, after ~~[consulting with]~~ notifying the Outdoor Adventure Commission, may make rules necessary to promote safety in swimming, scuba diving, and related activities on any waters where public boating is permitted.

(2) The Division of Outdoor Recreation may consider recommendations of and cooperate with other state agencies and the owners or operators of those waters.

Section 69. Section **73-18c-102** is amended to read:

**73-18c-102. Definitions.**

As used in this chapter:

(1) "Airboat" means a vessel propelled by air pressure caused by an airplane type propeller mounted above the stern and driven by an internal combustion engine.

(2) "Commission" means the Outdoor Adventure Commission.

(3) "Division" means the Division of Outdoor Recreation.

(4) "Judgment" means any judgment that is final by:

(a) expiration without appeal of the time within which an appeal might have been perfected; or

(b) final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action for damages:

(i) arising out of the ownership, maintenance, or use of any personal watercraft,

3250 including damages for care and loss of services because of bodily injury to or death of any  
3251 person, or because of injury to or destruction of property including the loss of use of the  
3252 property; or

3253 (ii) on a settlement agreement.

3254 (5) (a) "Motorboat" has the same meaning as defined in Section 73-18-2.

3255 (b) "Motorboat" includes personal watercraft regardless of the manufacturer listed  
3256 horsepower.

3257 (c) "Motorboat" does not include:

3258 (i) a boat with a manufacturer listed horsepower of 50 horsepower or less; or

3259 (ii) an airboat.

3260 (6) "Nonresident" means any person who is not a resident of Utah.

3261 (7) "Operator" means the person who is in control of a motorboat while it is in use.

3262 (8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest  
3263 in or the title to a motorboat.

3264 (b) "Owner" includes a person entitled to the use or possession of a motorboat subject  
3265 to an interest by another person, reserved or created by agreement and securing payment or  
3266 performance of an obligation.

3267 (c) "Owner" does not include a lessee under a lease not intended as security.

3268 (9) "Owner's or operator's security," "owner's security," or "operator's security" means  
3269 any of the following:

3270 (a) an insurance policy or combination of policies conforming to Sections  
3271 31A-22-1502 and 31A-22-1503, which is issued by an insurer authorized to do business in  
3272 Utah;

3273 (b) a surety bond issued by an insurer authorized to do a surety business in Utah in  
3274 which the surety is subject to the minimum coverage limits and other requirements of policies  
3275 conforming to Sections 31A-22-1502 and 31A-22-1503, which names the division as a creditor  
3276 under the bond for the use of persons entitled to the proceeds of the bond;

3277 (c) a deposit with the state treasurer of cash or securities complying with Section  
3278 73-18c-305;

3279 (d) a certificate of self-funded coverage issued under Section 73-18c-306; or

3280 (e) a policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk

3281 Management Fund created in Section 63A-4-201.

3282 (10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.

3283 (11) "Registration" means the issuance of the registration cards and decals issued under  
3284 the laws of Utah pertaining to the registration of motorboats.

3285 (12) "Registration materials" means the evidences of motorboat registration, including  
3286 all registration cards and decals.

3287 (13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

3288 (14) "Waters of the state" means any waters within the territorial limits of this state.

3289 Section 70. Section 73-18c-201 is amended to read:

3290 **73-18c-201. Division to administer and enforce chapter -- Division may adopt**  
3291 **rules.**

3292 (1) (a) The division shall administer this chapter.

3293 (b) A law enforcement officer authorized under Title 53, Chapter 13, Peace Officer  
3294 Classifications, may enforce this chapter in the rules made under this chapter.

3295 (2) The division, after [~~consultation with~~] notifying the commission, may adopt rules  
3296 as necessary for the administration of this chapter in accordance with Title 63G, Chapter 3,  
3297 Utah Administrative Rulemaking Act.

3298 Section 71. Section 77-2-4.3 is amended to read:

3299 **77-2-4.3. Compromise of boating violations -- Limitations.**

3300 (1) As used in this section:

3301 (a) "Compromise" means referral of a person charged with a boating violation to a  
3302 boating safety course approved by the Division of Outdoor Recreation.

3303 (b) "Boating violation" means any charge for which bail may be forfeited in lieu of  
3304 appearance, by citation or information, of a violation of Title 73, Chapter 18, State Boating  
3305 Act, amounting to:

3306 (i) a class B misdemeanor;

3307 (ii) a class C misdemeanor; or

3308 (iii) an infraction.

3309 (2) Any compromise of a boating violation shall be done pursuant to a plea in abeyance  
3310 agreement as provided in Title 77, Chapter 2a, Pleas in Abeyance, except:

3311 (a) when the criminal prosecution is dismissed pursuant to Section 77-2-4; or

(b) when there is a plea by the defendant to and entry of a judgment by a court for the offense originally charged or for an amended charge.

(3) In ~~[all cases which are]~~ a case that is compromised pursuant to ~~[the provisions of]~~ Subsection (2):

(a) the court, taking into consideration the offense charged, shall collect a plea in abeyance fee which shall:

(i) be subject to the same surcharge as if imposed on a criminal fine;

(ii) be allocated subject to the surcharge as if paid as a criminal fine under Section 78A-5-110 and a surcharge under Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation; and

(iii) be not more than \$25 greater than the bail designated in the Uniform Bail Schedule; or

(b) if no plea in abeyance fee is collected, a surcharge on the fee charged for the boating safety course shall be collected, which surcharge shall:

(i) be computed, assessed, collected, and remitted in the same manner as if the boating safety course fee and surcharge had been imposed as a criminal fine and surcharge; and

(ii) be subject to the financial requirements contained in Title 51, Chapter 9, Part 4, Criminal Conviction Surcharge Allocation.

(4) If a written plea in abeyance agreement is provided, or the defendant requests a written accounting, an itemized statement of all amounts assessed by the court shall be provided, including:

(a) the Uniform Bail Schedule amount;

(b) the amount of any surcharges being assessed; and

(c) the amount of the plea in abeyance fee.

Section 72. Section 78A-5-110 is amended to read:

**78A-5-110. Allocation of district court fees and forfeitures.**

(1) Except as provided in this section, district court fines and forfeitures collected for violation of state statutes shall be paid to the state treasurer.

(2) Fines and forfeitures collected by the court for violation of a state statute or county or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the state treasurer and 1/2 to the treasurer of the state or local governmental entity which

prosecutes or which would prosecute the violation.

(3) (a) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

(b) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

(c) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Outdoor Recreation and 15% to the General Fund.

(4) (a) The state treasurer shall allocate fines and forfeitures collected for a violation of Section 72-7-404 or 72-7-406, less fees established by the Judicial Council, to the Department of Transportation for use on class B and class C roads.

(b) Fees established by the Judicial Council shall be deposited in the state General Fund.

(c) Money allocated for class B and class C roads is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and class C road funds.

(5) (a) Fines and forfeitures collected by the court for a second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

(i) 60% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and

(ii) 40% in accordance with Subsection (2).

(b) Fines and forfeitures collected by the court for a second or subsequent violation under Subsection 72-7-409(6)(d) shall be remitted:

(i) 50% to the state treasurer to be deposited ~~in~~ into the Transportation Fund; and

(ii) 50% in accordance with Subsection (2).

(6) For fines and forfeitures collected by the court for a violation of Section 41-6a-1302 in instances where evidence of the violation was obtained by an automated traffic enforcement safety device as described in Section 41-6a-1310, the court shall allocate 20% to the school district or private school that owns or contracts for the use of the bus, and the state treasurer shall allocate 40% to the treasurer of the state or local governmental entity that prosecutes or that would prosecute the violation, and 40% to the General Fund.

3374 (7) Fines and forfeitures collected for any violations not specified in this chapter or  
3375 otherwise provided for by law shall be paid to the state treasurer.

3376 (8) Fees collected in connection with civil actions filed in the district court shall be  
3377 paid to the state treasurer.

3378 (9) The court shall remit money collected in accordance with Title 51, Chapter 7, State  
3379 Money Management Act.

3380 Section 73. Section **78A-7-120** is amended to read:

3381 **78A-7-120. Disposition of fines.**

3382 (1) Except as otherwise specified by this section, fines and forfeitures collected by a  
3383 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the  
3384 court and 1/2 to the treasurer of the local government which prosecutes or which would  
3385 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,  
3386 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section  
3387 if the parties agree.

3388 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall  
3389 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or  
3390 county government responsible for the justice court.

3391 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter  
3392 18, State Boating Act, the court shall allocate 85% to the Division of Outdoor Recreation and  
3393 15% to the general fund of the city or county government responsible for the justice court.

3394 (c) Fines and forfeitures collected by the court for a violation of Section **41-6a-1302** in  
3395 instances where evidence of the violation was obtained by an automated traffic enforcement  
3396 safety device as described in Section **41-6a-1310** shall be remitted:

3397 (i) 20% to the school district or private school that owns or contracts for the use of the  
3398 school bus; and

3399 (ii) 80% in accordance with Subsection (1).

3400 (3) The surcharge established by Section **51-9-401** shall be paid to the state treasurer  
3401 and deposited into the General Fund.

3402 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice  
3403 court for a violation of Section **72-7-404** or **72-7-406** regarding maximum weight limitations  
3404 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial

3405 Council, shall be paid to the state treasurer and allocated to the Department of Transportation  
3406 for class B and class C roads.

3407 (5) Revenue allocated for class B and class C roads pursuant to Subsection (4) is  
3408 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the  
3409 same manner as other class B and class C road funds.

3410 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation  
3411 under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

3412 (i) 60% to the state treasurer to be deposited [in] into the Transportation Fund; and

3413 (ii) 40% in accordance with Subsection (1).

3414 (b) Fines and forfeitures collected by the court for a second or subsequent violation  
3415 under Subsection 72-7-409(6)(d) shall be remitted:

3416 (i) 50% to the state treasurer to be deposited [in] into the Transportation Fund; and

3417 (ii) 50% in accordance with Subsection (1).

3418 Section 74. Section 79-1-104 is enacted to read:

3419 **79-1-104. Application of title to wildlife issues.**

3420 (1) The following may not be construed or applied to supersede or interfere with the  
3421 powers and duties of the Division of Wildlife Resources or the Wildlife Board under Title 23,  
3422 Wildlife Resources Code of Utah, over the activities described in Subsection (2):

3423 (a) Chapter 4, State Parks;

3424 (b) Chapter 5, Recreational Trails;

3425 (c) Chapter 7, Outdoor Recreation Act; and

3426 (d) Chapter 8, Outdoor Recreation Grants.

3427 (2) Subsection (1) applies to the powers and duties of the Division of Wildlife  
3428 Resources or the Wildlife Board over:

3429 (a) conservation and management of protected wildlife within the state;

3430 (b) a program or initiative to restore and conserve habitat for fish and wildlife; or

3431 (c) acquisition, ownership, management, and control of real property or a real property  
3432 interest, including a leasehold estate, an easement, a right-of-way, or a conservation easement.

3433 Section 75. Section 79-2-201 is amended to read:

3434 **79-2-201. Department of Natural Resources created.**

3435 (1) There is created the Department of Natural Resources.

- 3436 (2) The department comprises the following:
- 3437 (a) Board of Water Resources, created in Section [73-10-1.5](#);
- 3438 (b) Board of Oil, Gas, and Mining, created in Section [40-6-4](#);
- 3439 (c) Board of State Parks, created in Section [79-4-301](#);
- 3440 (d) Office of Energy Development, created in Section [79-6-401](#)[-];
- 3441 (e) Wildlife Board, created in Section [23-14-2](#);
- 3442 (f) Board of the Utah Geological Survey, created in Section [79-3-301](#);
- 3443 (g) Water Development Coordinating Council, created in Section [73-10c-3](#);
- 3444 ~~[(h) Utah Outdoor Recreation Grant Advisory Committee, created in Section~~
- 3445 ~~[79-8-105](#);~~
- 3446 ~~[(i) Home Energy Information Advisory Committee, created in Section [79-6-805](#)];~~
- 3447 ~~[(j)]~~ (h) Division of Water Rights, created in Section [73-2-1.1](#);
- 3448 ~~[(k)]~~ (i) Division of Water Resources, created in Section [73-10-18](#);
- 3449 ~~[(l)]~~ (j) Division of Forestry, Fire, and State Lands, created in Section [65A-1-4](#);
- 3450 ~~[(m)]~~ (k) Division of Oil, Gas, and Mining, created in Section [40-6-15](#);
- 3451 ~~[(n)]~~ (l) Division of State Parks, created in Section [79-4-201](#);
- 3452 ~~[(o)]~~ (m) Division of Outdoor Recreation, created in Section [79-7-201](#);
- 3453 ~~[(p)]~~ (n) Division of Wildlife Resources, created in Section [23-14-1](#);
- 3454 ~~[(q)]~~ (o) Utah Geological Survey, created in Section [79-3-201](#);
- 3455 ~~[(r)]~~ (p) Heritage Trees Advisory Committee, created in Section [65A-8-306](#);
- 3456 ~~[(s) Recreational Trails Advisory Council, authorized by Section [79-5-201](#)];~~
- 3457 (q) Utah Outdoor Recreation Infrastructure Advisory Committee, created in Section
- 3458 [79-7-206](#);
- 3459 ~~[(t)]~~ (r) (i) ~~[Boating Advisory Council]~~ an advisory council that includes in the
- 3460 advisory council's duties advising on state boating policy, authorized by Section [73-18-3.5](#); or
- 3461 (ii) an advisory council that includes in the advisory council's duties advising on
- 3462 off-highway vehicle use, authorized by Section [41-22-10](#);
- 3463 ~~[(u)]~~ (s) Wildlife Board Nominating Committee, created in Section [23-14-2.5](#);
- 3464 ~~[(v)]~~ (t) Wildlife Regional Advisory Councils, created in Section [23-14-2.6](#);
- 3465 ~~[(w)]~~ (u) Utah Watersheds Council, created in Section [73-10g-304](#);
- 3466 ~~[(x)]~~ (v) Utah Natural Resources Legacy Fund Board, created in Section [23-31-202](#);



3467 and

3468 [~~(y)~~] (w) Public Lands Policy Coordinating Office created in Section [63L-11-201](#).

3469 Section 76. Section **79-2-202** is amended to read:

3470 **79-2-202. Executive director -- Appointment -- Removal -- Compensation --**

3471 **Responsibilities.**

3472 (1) (a) The chief administrative officer of the department is an executive director  
3473 appointed by the governor with the advice and consent of the Senate.

3474 (b) The executive director may be removed at the will of the governor.

3475 (c) The executive director shall receive a salary established by the governor within the  
3476 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

3477 (2) The executive director shall:

3478 (a) administer and supervise the department and provide for coordination and  
3479 cooperation among the boards, divisions, councils, and committees of the department;

3480 (b) approve the budget of each board and division;

3481 (c) participate in regulatory proceedings as appropriate for the functions and duties of  
3482 the department;

3483 (d) report at the end of each fiscal year to the governor on department, board, and  
3484 division activities;

3485 (e) ensure that any training or certification required of a public official or public  
3486 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
3487 22, State Training and Certification Requirements, if the training or certification is required:

3488 (i) under this title;

3489 (ii) by the department; or

3490 (iii) by an agency or division within the department; and

3491 (f) perform other duties as provided by statute.

3492 (3) By following the procedures and requirements of Title 63J, Chapter 5, Federal  
3493 Funds Procedures Act, the executive director, may accept an executive or legislative provision  
3494 that is enacted by the federal government, whereby the state may participate in the distribution,  
3495 disbursement, or administration of a fund or service from the federal government for purposes  
3496 consistent with the powers and duties of the department.

3497 (4) (a) The executive director, in cooperation with the governmental entities having

3498 policymaking authority regarding natural resources, may engage in studies and comprehensive  
3499 planning for the development and conservation of the state's natural resources.

3500 (b) The executive director shall submit any plan to the governor for review and  
3501 approval.

3502 (5) The executive director may coordinate and enter agreements with other state  
3503 agencies regarding state conservation efforts as defined in Section [4-46-102](#).

3504 Section 77. Section **79-2-206** is amended to read:

3505 **79-2-206. Transition.**

3506 (1) In accordance with Laws of Utah 2021 Chapter 280, the Department of Natural  
3507 Resources assumes the policymaking functions, regulatory, and enforcement powers, rights,  
3508 and duties of the Office of Energy Development existing on June 30, 2021.

3509 (2) (a) Rules issued by the Office of Energy Development that are in effect on June 30,  
3510 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified  
3511 by the Department of Natural Resources, except that the agency administering the rule shall be  
3512 transferred to the Department of Natural Resources in the same manner as the statutory  
3513 responsibility is transferred under Laws of Utah 2021 Chapter 280.

3514 (b) Rules issued by the Board of Parks and Recreation that are in effect on June 30,  
3515 2021, are not modified by Laws of Utah 2021 Chapter 280, and remain in effect until modified  
3516 by the appropriate entity within the Department of Natural Resources, except that the agency  
3517 administering the rule shall be transferred to the appropriate entity within the Department of  
3518 Natural Resources in the same manner as the statutory responsibility is transferred under Laws  
3519 of Utah 2021 Chapter 280.

3520 (c) Rules issued by the Office of Outdoor Recreation that are in effect on June 30,  
3521 2022, are not modified by this bill, and remain in effect until modified by the Department of  
3522 Natural Resources, except that the agency administering the rule shall be transferred to the  
3523 Department of Natural Resources in the same manner as the statutory responsibility is  
3524 transferred under this bill.

3525 (3) A grant, contract, or agreement in effect on June 30, 2021, that is entered into by or  
3526 issued by the Office of Energy Development remains in effect, except that:

3527 (a) the agency administering the grant, contract, or agreement shall be transferred to  
3528 the Department of Natural Resources in the same manner as the statutory responsibility is

3529 transferred under Laws of Utah 2021 Chapter 280; and

3530 (b) the grant, contract, or agreement is subject to its terms and may be terminated under  
3531 the terms of the grant, contract, or agreement.

3532 (4) (a) A grant that is entered into or issued by the Utah Office of Outdoor Recreation  
3533 remains in effect, except that:

3534 ~~[(a)] (i) [except for an outdoor recreational infrastructure grant,]~~ the agency  
3535 administering the grant shall be transferred to the Division of Outdoor Recreation in the same  
3536 manner as the statutory responsibility is transferred under Laws of Utah 2021 Chapter 280 and  
3537 this bill; and

3538 ~~[(b)] (ii)~~ the grant is subject to the terms of the grant and may be terminated under the  
3539 terms of the grant.

3540 (b) In accordance with this bill, the Department of Natural Resources assumes the  
3541 policymaking functions, regulatory, and enforcement powers, rights, and duties of the Office of  
3542 Outdoor Recreation existing on June 30, 2022.

3543 ~~[(5) (a) The Governor's Office of Planning and Budget shall submit recommendations~~  
3544 ~~to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the~~  
3545 ~~November 2021 interim meeting of the committee regarding possible restructuring to improve~~  
3546 ~~coordination between the Department of Natural Resources and the following:]~~

3547 ~~[(i) the Department of Environmental Quality;]~~

3548 ~~[(ii) the Division of Public Utilities;]~~

3549 ~~[(iii) the Office of Consumer Services; and]~~

3550 ~~[(iv) the Office of Rural Development.]~~

3551 ~~[(b) In conducting the study under this Subsection (5), the Governor's Office of~~  
3552 ~~Planning and Budget shall incorporate public feedback into forming the recommendations;~~  
3553 ~~including:]~~

3554 ~~[(i) holding at least two public meetings and listening sessions; and]~~

3555 ~~[(ii) publishing draft recommendations a minimum of 30 days before the November~~  
3556 ~~2021 interim meeting to provide a comment period on the draft recommendations with~~  
3557 ~~adequate time for considering feedback and revisions to the recommendations.]~~

3558 Section 78. Section **79-4-203** is amended to read:

3559 **79-4-203. Powers and duties of division.**

(1) As used in this section, "real property" includes land under water, upland, and all other property commonly or legally defined as real property.

(2) The Division of Wildlife Resources shall retain the power and jurisdiction conferred upon the Division of Wildlife Resources by law within state parks and on property controlled by the Division of State Parks with reference to fish and game.

(3) The division shall permit multiple use of state parks and property controlled by the division for purposes such as grazing, fishing, hunting, camping, mining, and the development and utilization of water and other natural resources.

(4) (a) The division may acquire real and personal property in the name of the state by all legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or otherwise, subject to the approval of the executive director and the governor.

(b) In acquiring any real or personal property, the credit of the state may not be pledged without the consent of the Legislature.

(5) (a) Before acquiring any real property, the division shall notify the county legislative body of the county where the property is situated of ~~[its]~~ the division's intention to acquire the property.

(b) If the county legislative body requests a hearing within 10 days of receipt of the notice, the division shall hold a public hearing in the county concerning the matter.

(6) Acceptance of gifts or devises of land or other property is at the discretion of the division, subject to the approval of the executive director and the governor.

(7) The division shall acquire property by eminent domain in the manner authorized by Title 78B, Chapter 6, Part 5, Eminent Domain.

(8) (a) The division may make charges for special services and use of facilities, the income from which is available for park purposes.

(b) The division may conduct and operate those services necessary for the comfort and convenience of the public.

(9) (a) The division may lease or rent concessions of all lawful kinds and nature in state parks and property to persons, partnerships, and corporations for a valuable consideration upon the recommendation of the board.

(b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in selecting concessionaires.

(10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

~~[(11) The division shall receive and distribute voluntary contributions collected under Section 41-1a-422 in accordance with Section 79-4-404.]~~

Section 79. Section **79-4-1103** is amended to read:

**79-4-1103. Governor's duties -- Priority of federal property.**

(1) During a fiscal emergency, the governor shall:

(a) if financially practicable, work with the federal government to open and maintain the operation of one or more national parks, national monuments, national forests, and national recreation areas in the state, in the order established under this section; and

(b) report to the speaker of the House and the president of the Senate on the need, if any, for additional appropriations to assist the division in opening and operating one or more national parks, national monuments, national forests, and national recreation areas in the state.

(2) The director of the ~~[Outdoor Recreation Office, created in Section 63N-9-104,]~~ Division of Outdoor Recreation, in consultation with the executive director of the Governor's Office of Economic Opportunity, shall determine, by rule, the priority of national parks, national monuments, national forests, and national recreation areas in the state.

(3) In determining the priority described in Subsection (2), the director of the ~~[Outdoor Recreation Office]~~ Division of Outdoor Recreation shall consider the:

(a) economic impact of the national park, national monument, national forest, or national recreation area in the state; and

(b) recreational value offered by the national park, national monument, national forest, or national recreation area.

(4) The director of the ~~[Outdoor Recreation Office shall:(a) report the priority determined under Subsection (2) to the Natural Resources, Agriculture, and Environment Interim Committee by November 30, 2014; and (b)]~~ Division of Outdoor Recreation shall annually review the priority set under Subsection (2) to determine whether the priority list should be amended.

Section 80. Section **79-5-102** is amended to read:

**79-5-102. Definitions.**

As used in this chapter:

[~~(1)~~] "~~Commission~~" means the Outdoor Adventure Commission.]

[~~(2)~~] "~~Council~~" means the Recreational Trails Advisory Council.]

(1) "Committee" means the Utah Outdoor Recreation Infrastructure Advisory Committee created in Section 79-7-206.

[~~(3)~~] (2) "Division" means the Division of Outdoor Recreation.

[~~(4)~~] (3) "Recreational trail" or "trail" means a multi-use path used for:

(a) muscle-powered activities, including:

(i) bicycling;

(ii) cross-country skiing;

(iii) walking;

(iv) jogging; and

(v) horseback riding; and

(b) uses compatible with the uses described in Subsection [~~(4)~~] (3)(a), including the use of an electric assisted bicycle or motor assisted scooter, as defined in Section 41-6a-102.

Section 81. Section **79-5-501** is amended to read:

**79-5-501. Grants -- Matching funds requirements -- Rules.**

(1) (a) The division, after consultation with the [~~commission~~] committee, may give grants to federal government agencies, state agencies, or local governments for the planning, acquisition, and development of trails within the state's recreational trail system with funds appropriated by the Legislature for that purpose.

(b) (i) Each grant recipient must provide matching funds [~~having a value that is equal to or greater than the grant funds received~~] as established by the division by rule.

(ii) The division may allow a grant recipient to provide property, material, or labor in lieu of money, provided the grant recipient's contribution has a value that is equal to or greater than the grant funds received.

(2) The division, after consultation with the [~~commission~~] committee, shall:

(a) make rules setting forth procedures and criteria for the awarding of grants for recreational trails; and

(b) determine to whom grant funds shall be awarded after considering the recommendations of and after consulting with the [~~council~~] committee and the division.

(3) Rules for the awarding of grants for recreational trails shall provide that:

3653 (a) each grant applicant must solicit public comment on the proposed recreational trail  
3654 and submit a summary of that comment to the division;

3655 (b) each trail project for which grant funds are awarded must conform to the criteria  
3656 and guidelines specified in Sections 79-5-103, 79-5-301, and 79-5-302; and

3657 (c) trail proposals that include a plan to provide employment opportunities for youth,  
3658 including at-risk youth, in the development of the trail is encouraged.

3659 (4) As used in this section, "at-risk youth" means youth who:

3660 (a) are subject to environmental forces, such as poverty or family dysfunction, that may  
3661 make them vulnerable to family, school, or community problems;

3662 (b) perform poorly in school or have failed to complete high school;

3663 (c) exhibit behaviors that have the potential to harm themselves or others in the  
3664 community, such as truancy, use of alcohol or drugs, and associating with delinquent peers; or

3665 (d) have already engaged in behaviors harmful to themselves or others in the  
3666 community.

3667 Section 82. Section 79-5-503 is amended to read:

3668 **79-5-503. Bonneville Shoreline Trail Program.**

3669 (1) There is created within the division the Bonneville Shoreline Trail Program.

3670 (2) The program shall be funded from the following sources:

3671 (a) appropriations made to the program by the Legislature; and

3672 (b) contributions from other public and private sources.

3673 (3) [~~All money~~] Money appropriated to the Bonneville Shoreline Trail Program is  
3674 nonlapsing.

3675 (4) The Bonneville Shoreline Trail is intended to:

3676 (a) follow on or near the old Lake Bonneville shoreline terrace near the foot of the  
3677 Wasatch Mountains from Juab County through Cache County; and

3678 (b) provide continuous and safe trails.

3679 (5) (a) The program money shall be used to provide grants to local governments for the  
3680 planning, development, [~~and~~] construction, and the acquisition of key parcels of land of the  
3681 Bonneville Shoreline Trail.

3682 (b) Grant recipients shall provide matching funds in accordance with Section 79-5-501.

3683 Section 83. Section 79-6-302 is amended to read:

**79-6-302. Legislative committee review.**

[~~The Natural Resources, Agriculture, and Environment Interim Committee and the~~] The  
Public Utilities, Energy, and Technology Interim Committee shall review the state energy  
policy annually and propose any changes to the Legislature.

Section 84. Section **79-6-505** is amended to read:

**79-6-505. Report to the Legislature.**

The office shall annually provide an electronic report to the Public Utilities, Energy,  
and Technology Interim Committee~~[], the Natural Resources, Agriculture, and Environment~~  
~~Interim Committee, and the Revenue and Taxation Interim Committee]~~ describing:

(1) ~~[its]~~ the office's success in attracting alternative energy projects to the state and the  
resulting increase in new state revenues under this part;

(2) the amount of tax credits the office has granted or will grant and the time period  
during which the tax credits have been or will be granted; and

(3) the economic impact on the state by comparing new state revenues to tax credits  
that have been or will be granted under this part.

Section 85. Section **79-6-605** is amended to read:

**79-6-605. Report to the Legislature.**

The office shall report annually to the Public Utilities, Energy, and Technology Interim  
Committee~~[], the Natural Resources, Agriculture, and Environment Interim Committee, and the~~  
~~Revenue and Taxation Interim Committee]~~ describing:

(1) the office's success in attracting high cost infrastructure projects to the state and the  
resulting increase in infrastructure-related revenue under this part;

(2) the amount of tax credits the office has granted or will grant and the time period  
during which the tax credits have been or will be granted; and

(3) the economic impact on the state by comparing infrastructure-related revenue to tax  
credits that have been or will be granted under this part.

Section 86. Section **79-7-102** is amended to read:

**CHAPTER 7. OUTDOOR RECREATION ACT****Part 1. General Provisions****79-7-102. Definitions.**

As used in this chapter:



3715 (1) "Commission" means the Outdoor Adventure Commission created in Section  
3716 63C-21-201.

3717 (2) "Division" means the Division of Outdoor Recreation.

3718 Section 87. Section 79-7-103, which is renumbered from Section 63N-9-103 is  
3719 renumbered and amended to read:

3720 ~~[63N-9-103].~~ **79-7-103. Policy.**

3721 It is the declared policy of the state that outdoor recreation is vital to a diverse economy  
3722 and a healthy community.

3723 Section 88. Section 79-7-201 is amended to read:

3724 **79-7-201. Division of Outdoor Recreation -- Creation -- Purposes -- Rulemaking**  
3725 **authority.**

3726 (1) (a) There is created within the department the Division of Outdoor Recreation.

3727 (b) The division has the purpose of providing, maintaining, and coordinating motorized  
3728 and nonmotorized recreation within the state as the recreation authority of the state.

3729 (2) (a) The division is under the administration and general supervision of the  
3730 executive director.

3731 (b) The division shall ~~[consult with]~~ notify the commission as provided in statute on  
3732 issues related to outdoor recreation.

3733 ~~[(3) The division is the recreation authority for the state.]~~

3734 ~~[(4)]~~ (3) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
3735 Act, the division may make rules, ~~[after consulting with the commission,]~~ when expressly  
3736 authorized by this chapter[-]:

3737 (i) regarding issues related to outdoor recreation; and

3738 (ii) after notifying the commission, except for rules made under:

3739 (A) Chapter 5, Recreational Trails; and

3740 (B) Chapter 8, Outdoor Recreation Grants.

3741 (b) ~~[The]~~ In accordance with Subsection (3)(a), the division shall make rules governing  
3742 the collection of charges under Subsection 79-7-203(8).

3743 Section 89. Section 79-7-203 is amended to read:

3744 **79-7-203. Powers and duties of division.**

3745 (1) As used in this section, "real property" includes land under water, upland, and all

3746 other property commonly or legally defined as real property.

3747 (2) The Division of Wildlife Resources shall retain the power and jurisdiction  
3748 conferred upon the Division of Wildlife Resources by law on property controlled by the  
3749 division with reference to fish and game.

3750 (3) ~~[The]~~ For purposes of property controlled by the division, the division shall permit  
3751 multiple ~~[use]~~ uses of the property ~~[controlled by the division]~~ for purposes such as grazing,  
3752 fishing, hunting, camping, mining, and the development and use of water and other natural  
3753 resources.

3754 (4) (a) The division may acquire real and personal property in the name of the state by  
3755 legal and proper means, including purchase, gift, devise, eminent domain, lease, exchange, or  
3756 otherwise, subject to the approval of the executive director and the governor.

3757 (b) In acquiring real or personal property, the credit of the state may not be pledged  
3758 without the consent of the Legislature.

3759 (5) (a) Before acquiring any real property, the division shall notify the county  
3760 legislative body of the county where the property is situated of the division's intention to  
3761 acquire the property.

3762 (b) If the county legislative body requests a hearing within 10 days of receipt of the  
3763 notice, the division shall hold a public hearing in the county concerning the matter.

3764 (6) Acceptance of gifts or devises of land or other property is at the discretion of the  
3765 division, subject to the approval of the executive director and the governor.

3766 (7) The division shall acquire property by eminent domain in the manner authorized by  
3767 Title 78B, Chapter 6, Part 5, Eminent Domain.

3768 (8) (a) The division may make charges for special services and use of facilities, the  
3769 income from which is available for recreation purposes.

3770 (b) The division may conduct and operate those services necessary for the comfort and  
3771 convenience of the public.

3772 (9) (a) The division may lease or rent concessions of lawful kinds and nature on  
3773 property to persons, partnerships, and corporations for a valuable consideration after  
3774 ~~[consulting with]~~ notifying the commission.

3775 (b) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code, in  
3776 selecting concessionaires.

(10) The division shall proceed without delay to negotiate with the federal government concerning the Weber Basin and other recreation and reclamation projects.

(11) (a) The division shall coordinate with and annually report to the following regarding land acquisition and development and grants administered under this chapter or Chapter 8, Outdoor Recreation Grants:

~~[(a) the Utah Office of Outdoor Recreation;]~~

~~[(b)]~~ (i) the Division of State Parks; and

~~[(c)]~~ (ii) the Office of Rural Development.

(b) The report required under Subsection (11)(a) shall be in writing, made public, and include a description and the amount of any grant awarded under this chapter or Chapter 8, Outdoor Recreation Grants.

(12) The division shall:

(a) coordinate outdoor recreation policy, management, and promotion:

(i) among state and federal agencies and local government entities in the state;

(ii) with the Public Lands Policy Coordinating Office created in Section 63L-11-201, if public land is involved; and

(iii) on at least a quarterly basis, with the executive director and the executive director of the Governor's Office of Economic Opportunity;

(b) in cooperation with the Governor's Office of Economic Opportunity, promote economic development in the state by:

(i) coordinating with outdoor recreation stakeholders;

(ii) improving recreational opportunities; and

(iii) recruiting outdoor recreation business;

(c) promote all forms of outdoor recreation, including motorized and nonmotorized outdoor recreation;

(d) recommend to the governor and Legislature policies and initiatives to enhance recreational amenities and experiences in the state and help implement those policies and initiatives;

(e) in performing the division's duties, seek to ensure safe and adequate access to outdoor recreation for all user groups and for all forms of recreation;

(f) develop data regarding the impacts of outdoor recreation in the state; and

3808 (g) promote the health and social benefits of outdoor recreation, especially to young  
3809 people.

3810 (13) By following Title 63J, Chapter 5, Federal Funds Procedures Act, the division  
3811 may:

3812 (a) seek federal grants or loans;

3813 (b) seek to participate in federal programs; and

3814 (c) in accordance with applicable federal program guidelines, administer federally  
3815 funded outdoor recreation programs.

3816 (14) The division shall receive and distribute voluntary contributions collected under  
3817 Section [41-1a-422](#) in accordance with Section [79-7-303](#).

3818 Section 90. Section **79-7-206** is enacted to read:

3819 **79-7-206. Utah Outdoor Recreation Infrastructure Advisory Committee.**

3820 (1) As used in this section, "committee" means the Utah Outdoor Recreation  
3821 Infrastructure Advisory Committee created in this section.

3822 (2) (a) There is created within the division the "Utah Outdoor Recreation Infrastructure  
3823 Advisory Committee" consisting of the following 17 members:

3824 (i) the director of the division, who shall act as chair of the committee;

3825 (ii) the director of the Division of State Parks, or the director of the Division of State  
3826 Park's designee; and

3827 (iii) the following appointed by the executive director:

3828 (A) one nonvoting representative of a federal land agency;

3829 (B) one nonvoting representative of National Park Service's River, Trails, and  
3830 Conservation Assistance Program;

3831 (C) one representative of municipal government, recommended by the Utah League of  
3832 Cities and Towns;

3833 (D) one representative of county government, recommended by the Utah Association  
3834 of Counties;

3835 (E) two representatives of the outdoor industry;

3836 (F) two representatives of tourism, with one focused in the hotel or lodging sector;

3837 (G) one representative of the healthcare industry;

3838 (H) one representative of multi-ability groups or programs;

- 3839 (I) one representative of outdoor recreation education programming;  
3840 (J) one representative of nonmotorized recreation interests;  
3841 (K) one representative of youth conservation or service corps organization; and  
3842 (L) two representatives of motorized recreation interests.  
3843 (b) At least two of the members of the committee appointed under Subsection  
3844 (2)(a)(iii) shall represent rural interests.  
3845 (3) (a) Except as required by Subsection (3)(b), as terms of committee members  
3846 appointed under Subsection (2)(a)(iii) expire, the division shall appoint each new member or  
3847 reappointed member to a four-year term.  
3848 (b) Notwithstanding the requirements of Subsection (3)(a), the division shall, at the  
3849 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
3850 committee members appointed under Subsection (2)(a)(iii) are staggered so that approximately  
3851 half of the committee is appointed every two years.  
3852 (c) The executive director may remove an appointed member of the advisory  
3853 committee at any time, with or without cause.  
3854 (d) When a vacancy occurs in the membership for any reason, the executive director  
3855 shall appoint the replacement for the unexpired term in the same manner as the original  
3856 appointment.  
3857 (4) The majority of voting members of the committee constitutes a quorum and an  
3858 action of the majority of voting members present when a quorum is present is action by the  
3859 committee.  
3860 (5) The division shall provide administrative staff support for the committee.  
3861 (6) A member may not receive compensation or benefits for the member's service, but  
3862 a member appointed under Subsection (2)(b) may receive per diem and travel expenses in  
3863 accordance with:  
3864 (a) Section [63A-3-106](#);  
3865 (b) Section [63A-3-107](#); and  
3866 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
3867 [63A-3-107](#).  
3868 (7) The committee shall advise and make recommendations to the division regarding:  
3869 (a) nonmotorized recreational trails under Chapter 5, Recreational Trails;

3870 (b) grants issued under Chapter 8, Part 2, Recreation Restoration Infrastructure Grant  
3871 Program;

3872 (c) the administration of the fund created in Section 79-8-304;

3873 (d) grants issued under Chapter 8, Part 3, Utah Children's Outdoor Recreation and  
3874 Education Grant Program; and

3875 (e) grants issued under Chapter 8, Part 4, Outdoor Recreational Infrastructure Grant  
3876 Program.

3877 Section 91. Section **79-7-303**, which is renumbered from Section 79-4-404 is  
3878 renumbered and amended to read:

3879 **[79-4-404]. 79-7-303. Zion National Park Support Programs Restricted**  
3880 **Account.**

3881 (1) There is created within the General Fund the "Zion National Park Support  
3882 Programs Restricted Account."

3883 (2) The [account] Zion National Park Support Programs Restricted Account shall be  
3884 funded by:

3885 (a) contributions deposited into the [account] Zion National Park Support Programs  
3886 Restricted Account in accordance with Section 41-1a-422;

3887 (b) private contributions; or

3888 (c) donations or grants from public or private entities.

3889 (3) The Legislature shall appropriate [funds] money in the [account] Zion National  
3890 Park Support Programs Restricted Account to the division.

3891 (4) The [board] division may expend up to 10% of the money appropriated under  
3892 Subsection (3) to administer account distributions in accordance with Subsections (5) and (6).

3893 (5) The division shall distribute contributions to one or more organizations that:

3894 (a) are exempt from federal income taxation under Section 501(c)(3), Internal Revenue  
3895 Code;

3896 (b) operate under a written agreement with the National Park Service to provide  
3897 interpretive, educational, and research activities for the benefit of Zion National Park;

3898 (c) produce and distribute educational and promotional materials on Zion National  
3899 Park;

3900 (d) conduct educational courses on the history and ecosystem of the greater Zion

3901 Canyon area; and

3902 (e) provide other programs that enhance visitor appreciation and enjoyment of Zion  
3903 National Park.

3904 (6) (a) An organization described in Subsection (5) may apply to the division to receive  
3905 a distribution in accordance with Subsection (5).

3906 (b) An organization that receives a distribution from the division in accordance with  
3907 Subsection (5) shall expend the distribution only to:

3908 (i) produce and distribute educational and promotional materials on Zion National  
3909 Park;

3910 (ii) conduct educational courses on the history and ecosystem of the greater Zion  
3911 Canyon area; and

3912 (iii) provide other programs that enhance visitor appreciation and enjoyment of Zion  
3913 National Park.

3914 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
3915 after notifying the commission, the division may make rules providing procedures and  
3916 requirements for an organization to apply to the division to receive a distribution under  
3917 Subsection (5).

3918 Section 92. Section **79-8-102** is amended to read:

3919 **79-8-102. Definitions.**

3920 As used in this chapter:

3921 (1) "Accessible to the general public" in relation to the awarding of an infrastructure  
3922 grant, means:

3923 (a) the public may use the infrastructure in accordance with federal and state  
3924 regulations; and

3925 (b) no community or group retains exclusive rights to access the infrastructure.

3926 (2) "Advisory committee" means the Utah Outdoor Recreation Infrastructure Advisory  
3927 Committee created in Section [79-7-206](#).

3928 [(+) (3) "Children," in relation to the awarding of a UCORE grant, means individuals  
3929 who are six years old or older and 18 years old or younger.

3930 [(2) (4) "Director" means the director of the Division of Outdoor Recreation.

3931 [(3) (5) "Division" means the Division of Outdoor Recreation.

3932           ~~[(4)]~~ (6) "Executive director" means the executive director of the Department of  
3933 Natural Resources.

3934           (7) "Infrastructure grant" means an outdoor recreational infrastructure grant described  
3935 in Section ~~79-8-401~~.

3936           (8) (a) "Recreational infrastructure project" means an undertaking to build or improve  
3937 an approved facility or installation needed for the public to access and enjoy the state's  
3938 outdoors.

3939           (b) "Recreational infrastructure project" may include the:

3940           (i) establishment, construction, or renovation of a trail, trail infrastructure, or a trail  
3941 facility;

3942           (ii) construction of a project for a water-related outdoor recreational activity;

3943           (iii) development of a project for a wildlife watching opportunity, including bird  
3944 watching;

3945           (iv) development of a project that provides a winter recreation amenity;

3946           (v) construction or improvement of a community park that has an amenity for outdoor  
3947 recreation; and

3948           (vi) construction or improvement of a naturalistic and accessible playground.

3949           ~~[(5)]~~ (9) "UCORE grant" means a children's outdoor recreation and education grant  
3950 described in Section ~~79-8-402~~ 79-8-302.

3951           ~~[(6)]~~ (10) (a) "Underserved ~~[or underprivileged]~~ community" means a group of people,  
3952 including a municipality, county, or American Indian tribe, that is economically disadvantaged.

3953           (b) "Underserved ~~[or underprivileged]~~ community" includes an economically  
3954 disadvantaged community where in relation to awarding a UCORE grant, the children of the  
3955 community, including children with disabilities, have limited access to outdoor recreation or  
3956 education programs.

3957           Section 93. Section **79-8-103** is amended to read:

3958           **79-8-103. Outdoor recreation grants.**

3959           To the extent money is available, the division shall administer outdoor recreation grants  
3960 for the state, including grants that address:

3961           (1) outdoor recreation in general;

3962           (2) recreational trails;



- 3963 (3) off-highway vehicle incentives;  
3964 (4) boat access and clean vessels; ~~and~~  
3965 (5) land, water, and conservation[-]; and  
3966 (6) outdoor recreation programming.

3967 Section 94. Section **79-8-106** is amended to read:

3968 **79-8-106. Outdoor Recreation Infrastructure Account -- Uses -- Costs.**

3969 (1) There is created an expendable special revenue fund known as the "Outdoor  
3970 Recreation Infrastructure Account," which~~[(a) the outdoor recreation office]~~ the division shall  
3971 use to fund:

3972 (a) the Outdoor Recreational Infrastructure Grant Program created in Section  
3973 ~~[63N-9-202]~~ 79-8-401; and

3974 ~~(b) [the division shall use to fund]~~ the Recreation Restoration Infrastructure Grant  
3975 Program created in Section 79-8-202.

3976 (2) The account consists of:

3977 (a) distributions to the account under Section 59-28-103;

3978 (b) interest earned on the account;

3979 (c) appropriations made by the Legislature;

3980 (d) money from a cooperative agreement entered into with the United States

3981 Department of Agriculture or the United States Department of the Interior; and

3982 (e) private donations, grants, gifts, bequests, or money made available from any other  
3983 source to implement this part.

3984 (3) The division shall, with the advice of the ~~[Utah Outdoor Recreation Grant Advisory~~  
3985 ~~Committee created in Section 79-8-105]~~ advisory committee, administer the account.

3986 (4) ~~(a)~~ The cost of administering the account shall be paid from money in the  
3987 account.

3988 ~~[(b) The cost of two full-time positions in the Utah Office of Outdoor Recreation in an~~  
3989 ~~amount agreed to by the division and the Utah Office of Outdoor Recreation shall be paid from~~  
3990 ~~money in the account.]~~

3991 (5) Interest accrued from investment of money in the account shall remain in the  
3992 account.

3993 Section 95. Section **79-8-201** is amended to read:

3994 **79-8-201. Definitions.**

3995 As used in this part:

3996 [~~(1)~~] "~~Advisory committee~~" means the ~~Utah Outdoor Recreation Grant Advisory~~  
3997 ~~Committee created in Section 79-8-105.~~]3998 [~~(2)~~] (1) "Grant program" means the Recreation Restoration Infrastructure Grant  
3999 Program created in Section 79-8-202.4000 [~~(3)~~] (2) "High demand outdoor recreation amenity" means infrastructure necessary for  
4001 a campground, picnic area, or water recreation structure such as a dock, pier, or boat ramp that  
4002 receives or has received heavy use by the public.4003 [~~(4)~~] (3) "High priority trail" means a motorized or nonmotorized recreation  
4004 summer-use trail and related infrastructure that is prioritized by the advisory committee for  
4005 restoration or rehabilitation to maintain usability and sustainability of trails that receive or have  
4006 received high use by the public.4007 [~~(5)~~] (4) "Public lands" includes local, state, and federal lands.4008 [~~(6)~~] (5) "Rehabilitation or restoration" means returning an outdoor recreation structure  
4009 or trail that has been degraded, damaged, or destroyed to its previously useful state by means of  
4010 repair, modification, or alteration.4011 Section 96. Section **79-8-202** is amended to read:4012 **79-8-202. Creation of grant program.**4013 (1) (a) There is created the "Recreation Restoration Infrastructure Grant Program"  
4014 administered by the division.4015 (b) Subject to Subsection (1)(c), 5% percent of the unencumbered amount in the [~~Utah~~]  
4016 Outdoor Recreation Infrastructure Account, created in Section 79-8-106, at the beginning of  
4017 each fiscal year may be used for the grant program.4018 (c) The percentage outlined in Subsection (1)(b) may be increased or decreased at the  
4019 beginning of a fiscal year if approved by the executive director after consultation with the  
4020 director and the advisory committee.4021 (2) The division may seek to accomplish the following objectives in administering the  
4022 grant program:

4023 (a) rehabilitate or restore high priority trails for both motorized and nonmotorized uses;

4024 (b) rehabilitate or restore high demand recreation areas on public lands; and

(c) encourage the public land entities to engage with volunteer groups to aid with portions of needed trail work.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules, after consulting with ~~[the Outdoor Adventure Commission]~~ the advisory committee, establishing the eligibility and reporting criteria for an entity to receive a recreation restoration infrastructure grant, including:

(a) the form and process of submitting annual project proposals to the division for a recreation restoration infrastructure grant;

(b) which entities are eligible to apply for a recreation restoration infrastructure grant;

(c) specific categories of recreation restoration projects that are eligible for a recreation restoration infrastructure grant;

(d) the method and formula for determining recreation restoration infrastructure grant amounts; and

(e) the reporting requirements of a recipient of a recreation restoration infrastructure grant.

Section 97. Section **79-8-302** is amended to read:

**79-8-302. Creation and purpose of the UCORE grant program.**

(1) There is created the Utah Children's Outdoor Recreation and Education Grant Program administered by the division.

(2) The division may seek to accomplish the following objectives in administering the UCORE grant program:

(a) promote the health and social benefits of outdoor recreation to the state's children;

(b) encourage children to develop the skills and confidence to be physically active for life;

(c) provide outdoor recreational opportunities to underserved ~~[or underprivileged]~~ communities in the state; and

(d) encourage hands-on outdoor or nature-based learning and play to prepare children for achievement in science, technology, engineering, and math.

Section 98. Section **79-8-303** is amended to read:

**79-8-303. Rulemaking and requirements for awarding a UCORE grant.**

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

division, after consulting with the [~~Outdoor Adventure Commission~~] advisory committee, shall make rules establishing the eligibility and reporting criteria for an entity to receive a UCORE grant, including:

(a) the form and process of submitting an application to the division for a UCORE grant;

(b) which entities are eligible to apply for a UCORE grant;

(c) specific categories of children's programs that are eligible for a UCORE grant;

(d) the method and formula for determining grant amounts; and

(e) the reporting requirements of grant recipients.

(2) In determining the award of a UCORE grant, the division may prioritize a children's program that will serve an [~~underprivileged or~~] underserved community in the state.

(3) A UCORE grant may only be awarded by the executive director after consultation with the director and the [~~Outdoor Adventure Commission~~] advisory committee.

(4) The following entities may not receive a UCORE grant under this part:

(a) a federal government entity;

(b) a state agency, except for public schools and institutions of higher education; and

(c) a for-profit entity.

(5) In awarding UCORE grants, consideration shall be given to entities that implement programs that:

(a) contribute to healthy and active lifestyles through outdoor recreation; and

(b) include one or more of the following attributes in their programs or initiatives:

(i) serve children with the greatest needs in rural, suburban, and urban areas of the state;

(ii) provide students with opportunities to directly experience nature;

(iii) maximize the number of children who can participate;

(iv) commit matching and in-kind resources;

(v) create partnerships with public and private entities;

(vi) include ongoing program evaluation and assessment;

(vii) [~~utilize~~] use veterans in program implementation;

(viii) include outdoor or nature-based programming that incorporates concept learning in science, technology, engineering, or math; or

4087 (ix) ~~[utilize]~~ use educated volunteers in program implementation.

4088 Section 99. Section **79-8-304** is amended to read:

4089 **79-8-304. Utah Children's Outdoor Recreation and Education Fund -- Uses --**  
4090 **Costs.**

4091 (1) There is created an expendable special revenue fund known as the "Utah Children's  
4092 Outdoor Recreation and Education Fund," which the division shall use to fund the Utah  
4093 Children's Outdoor Recreation and Education Grant Program created in Section **79-8-302**.

4094 (2) The fund consists of:

4095 (a) appropriations made by the Legislature;

4096 (b) interest earned on the account; and

4097 (c) private donations, grants, gifts, bequests, or money made available from any other  
4098 source to implement this part.

4099 (3) The division shall, with the advice of ~~[the Utah Outdoor Recreation Grant Advisory~~  
4100 ~~Committee created in Section 79-8-105]~~ the advisory committee, administer the fund.

4101 (4) The cost of administering the fund shall be paid from money in the fund.

4102 (5) Interest accrued from investment of money in the fund shall remain in the fund.

4103 Section 100. Section **79-8-401**, which is renumbered from Section 63N-9-202 is  
4104 renumbered and amended to read:

4105 **Part 4. Outdoor Recreational Infrastructure Grant Program**

4106 ~~[63N-9-202].~~ **79-8-401. Creation and purpose of infrastructure grant**  
4107 **program.**

4108 (1) There is created the Outdoor Recreational Infrastructure Grant Program  
4109 administered by the ~~[outdoor recreation office]~~ division.

4110 (2) The ~~[outdoor recreation office]~~ division may seek to accomplish the following  
4111 objectives in administering the infrastructure grant program:

4112 (a) build, maintain, and promote recreational infrastructure to provide greater access to  
4113 low-cost outdoor recreation for the state's citizens;

4114 (b) encourage residents and nonresidents of the state to take advantage of the beauty of  
4115 Utah's outdoors;

4116 (c) encourage individuals and businesses to relocate to the state;

4117 (d) promote outdoor exercise; and

4118 (e) provide outdoor recreational opportunities to an underserved [~~or underprivileged~~]  
4119 community in the state.

4120 (3) The advisory committee shall advise and make recommendations to the [~~outdoor~~  
4121 ~~recreation office~~] division regarding infrastructure grants.

4122 Section 101. Section ~~79-8-402~~, which is renumbered from Section 63N-9-203 is  
4123 renumbered and amended to read:

4124 [~~63N-9-203~~]. **79-8-402. Rulemaking and requirements for awarding an**  
4125 **infrastructure grant.**

4126 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and  
4127 after consultation with the advisory committee, the [~~outdoor recreation office~~] division shall  
4128 make rules establishing the eligibility and reporting criteria for an entity to receive an  
4129 infrastructure grant, including:

4130 (a) the form and process of submitting an application to the [~~outdoor recreation office~~]  
4131 division for an infrastructure grant;

4132 (b) which entities are eligible to apply for an infrastructure grant;

4133 (c) specific categories of recreational infrastructure projects that are eligible for an  
4134 infrastructure grant;

4135 (d) the method and formula for determining grant amounts; and

4136 (e) the reporting requirements of grant recipients.

4137 (2) In determining the award of an infrastructure grant, the [~~outdoor recreation office~~]  
4138 division may prioritize a recreational infrastructure project that will serve an [~~underprivileged~~  
4139 ~~or~~] underserved community.

4140 (3) An infrastructure grant may only be awarded by the executive director after  
4141 consultation with the director and the [~~GO Utah board~~] advisory committee.

4142 (4) The following entities may not receive an infrastructure grant under this part:

4143 (a) a federal government entity;

4144 (b) a state agency; and

4145 (c) a for-profit entity.

4146 (5) An infrastructure grant may only be awarded under this part:

4147 (a) for a recreational infrastructure project that is accessible to the general public; and

4148 (b) subject to Subsections (6) and (7), if the grant recipient agrees to provide matching

4149 funds having a value:

4150       (i) equal to or greater than the amount of the infrastructure grant[-]; or

4151       (ii) established in accordance with rules made by the division, after consultation with  
4152 the advisory committee, and in accordance with Title 63G, Chapter 3, Utah Administrative  
4153 Rulemaking Act.

4154       (6) Up to 50% of the grant recipient match described in Subsection (5)(b) may be  
4155 provided through an in-kind contribution by the grant recipient, if:

4156       (a) approved by the executive director after consultation with the director and the [GO  
4157 ~~Utah board~~] advisory committee; and

4158       (b) the in-kind donation does not include real property.

4159       (7) An infrastructure grant may not be awarded under this part if the grant, or the grant  
4160 recipient match described in Subsection (5)(b), will be used for the purchase of real property or  
4161 for the purchase or transfer of a conservation easement.

4162       Section 102. **Repealer.**

4163       This bill repeals:

4164       Section **11-38-101**, Title.

4165       Section **11-38-201**, **Quality Growth Commission -- Term of office -- Vacancy --**  
4166 **Organization -- Expenses -- Staff.**

4167       Section **11-38-203**, **Commission may provide assistance to local entities.**

4168       Section **63N-9-101**, Title.

4169       Section **63N-9-102**, **Definitions.**

4170       Section **63N-9-104**, **Creation of outdoor recreation office and appointment of**  
4171 **director -- Responsibilities of outdoor recreation office.**

4172       Section **63N-9-105**, **Duties of director.**

4173       Section **63N-9-106**, **Annual report.**

4174       Section **63N-9-201**, Title.

4175       Section **79-5-201**, **Recreational Trails Advisory Council.**

4176       Section **79-5-202**, **Council membership -- Expenses.**

4177       Section **79-7-101**, Title.

4178       Section **79-8-104**, **Annual report.**

4179       Section **79-8-105**, **Utah Outdoor Recreation Grant Advisory Committee --**

4180 **Membership -- Duties -- Expenses.**4181 Section 103. **Appropriation.**

4182 The following sums of money are appropriated for the fiscal year beginning July 1,  
4183 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for  
4184 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
4185 Act, the Legislature appropriates the following sums of money from the funds or accounts  
4186 indicated for the use and support of the government of the state of Utah.

4187 ITEM 14188 To Department of Natural Resources -- Conservation

4189 From General Fund \$130,000

4190 Schedule of Programs:

4191 Conservation \$130,000

4192 The Legislature intends that the money appropriated under this item be used only for  
4193 the purpose of conservation efforts in accordance with Subsection [79-2-202](#)(5) enacted in this  
4194 bill.

4195 ITEM 24196 To Department of Natural Resources -- Outdoor Recreation

4197 From General Fund \$150,000

4198 Schedule of Programs:

4199 Outdoor Recreation Administration \$150,000

4200 The Legislature intends that the money appropriated under this item be used for the  
4201 administration of the Division of Outdoor Recreation in accordance with this bill.

4202 ITEM 34203 To Department of Agriculture and Food -- Conservation

4204 From General Fund \$120,000

4205 Schedule of Programs:

4206 Conservation Administration \$120,000

4207 The Legislature intends that the money appropriated under this item be used for  
4208 conservation efforts in accordance with this bill.

4209 ITEM 44210 To Governor's Office of Economic Opportunity



4211 From General Fund (\$338,700)

4212 Schedule of Programs:

4213 Outdoor Recreation (\$338,700)

4214 ITEM 5

4215 To Department of Natural Resources -- Outdoor Recreation

4216 From General Fund \$338,700

4217 Schedule of Programs:

4218 Outdoor Recreation \$338,700

4219 The Legislature intends that, at the close of fiscal year 2022, the Division of Finance

4220 transfer any fiscal year 2021 closing nonlapsing balances or carry forward funding in the Office

4221 of Outdoor Recreation to the Department of Natural Resources - Outdoor Recreation, as fiscal

4222 year 2023 beginning nonlapsing balances.

4223 **Section 104. Effective date.**

4224 This bill takes effect on July 1, 2022.

4225 **Section 105. Revisor instructions.**

4226 The Legislature intends that the Office of Legislative Research and General Counsel, in

4227 preparing the Utah Code database for publication on July 1, 2022:

4228 (1) replace the references in Subsections [4-46-104](#)(1)(a) and (2) from "this bill" to the

4229 bill's designated chapter number in the Laws of Utah;

4230 (2) replace the references in Subsections [79-2-206](#)(2)(c), (4)(a)(i) and (4)(b) from "this

4231 bill" to the bill's designated chapter number in the Laws of Utah;

4232 (3) replace cross references to sections renumbered by this bill that are added to the

4233 Utah Code by legislation passed during the 2022 General Session that become law;

4234 (4) replace references to the "Division of Recreation" to the "Division of Outdoor

4235 Recreation" in any new language added to the Utah Code by legislation, other than Section

4236 [79-2-206](#), passed during the 2022 General Session that becomes law; and

4237 (5) replace references to the "Quality Growth Commission" to the "Land Conservation

4238 Board" in any new language added to the Utah Code by legislation, other than Section

4239 [4-46-104](#), passed during the 2022 General Session that becomes law.